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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 233 210.

HENRY HOPKINS ET AL., APPELLANTS,

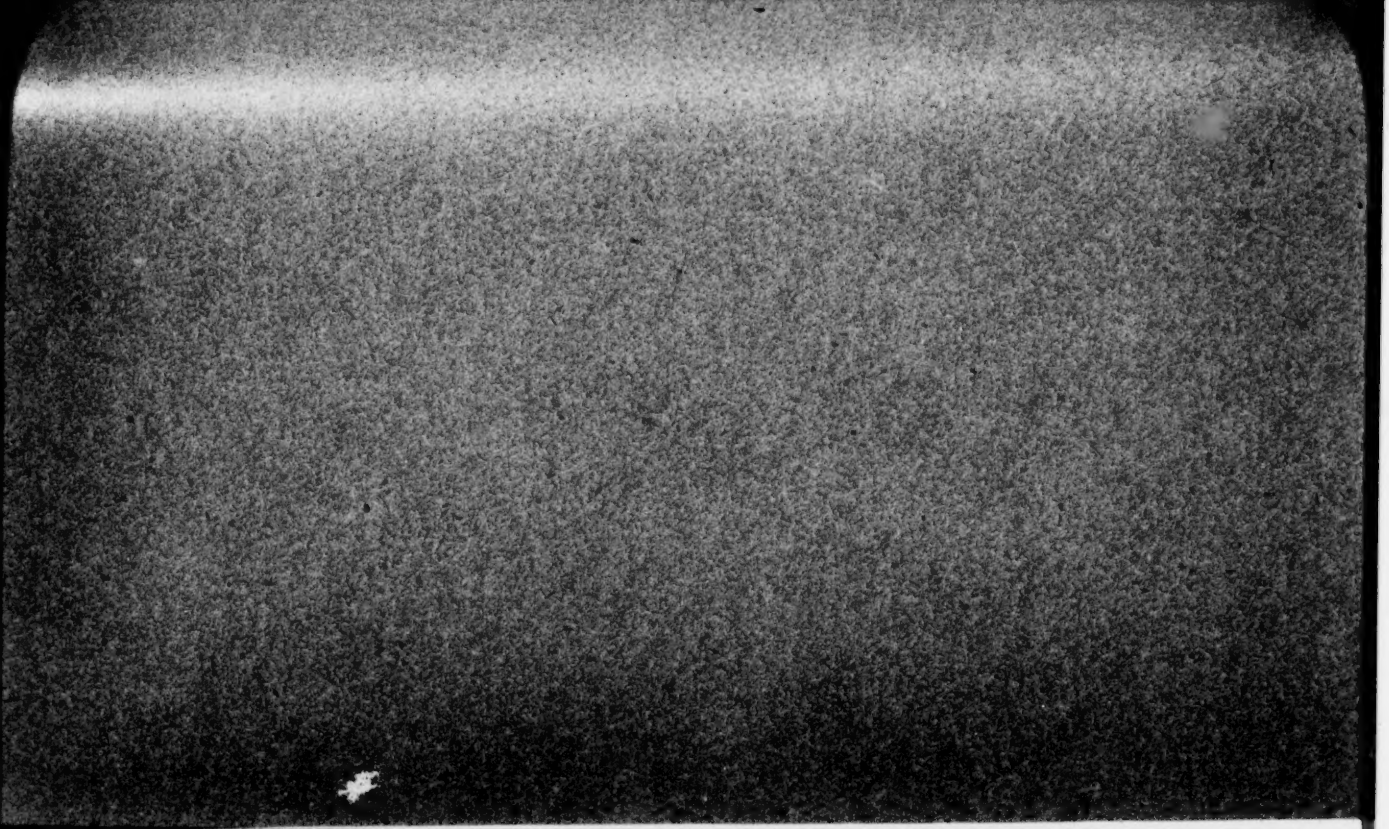
vs.

THE UNITED STATES.

ON CERTIFICATE FROM AND WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

CERTIFICATE FILED DECEMBER 10, 1897.
CERTIORARI AND RETURN FILED JANUARY 11, 1898.

(16,746.)



(16,746.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 533.

HENRY HOPKINS ET AL., APPELLANTS,

vs.

THE UNITED STATES OF AMERICA.

ON CERTIFICATE FROM AND WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

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a Pleas and proceedings in the United States circuit court of appeals for the eighth circuit at a term thereof begun and held at the United States court-house, in the city of St. Louis, Missouri, on the first Monday in December, it being the sixth day of December, A. D. 1897, before the Honorable Walter H. Sanborn and Honorable Amos M. Thayer, circuit judges, and Honorable John F. Philips, district judge.

Attest:

[Seal United States Circuit Court of Appeals, Eighth Circuit.]

JOHN D. JORDAN,
Clerk U. S. Circuit Court of Appeals, Eighth Circuit.

Be it remembered that heretofore, to wit, on the fifth day of October, A. D. 1897, a transcript of record, in pursuance of an appeal allowed by the circuit court of the United States for the district of Kansas, was filed in the office of the clerk of the United States circuit court of appeals for the eighth circuit in a certain cause wherein Henry Hopkins *et al.* were appellants and The United States of America appellee; which said transcript of record is in the words and figures following, to wit:

a In the United States Circuit Court of Appeals, Eighth Circuit.

Henry Hopkins et al., Appellants,

v.

United States, Appellee.

STIPULATION AS TO PRINTING RECORD.

Pursuant to the provisions of the twenty-third rule of this court, the parties stipulate that in printing the record herein, the clerk shall omit the portions of the transcript certified by the clerk of the circuit court designated as follows:

1. The subpoena appearing on page 16 and the return of the marshal thereon appearing on page 17.

2. The notice of motion for preliminary injunction appearing on pages 18 and 19, and the return of the marshal thereon appearing on pages 20, 21 and 22.

3. In lieu of the amendment to the bill of complaint making new parties, on pages 25 and 26, it shall be stated on page 24, after the order of court permitting said amendment, that the same was duly made.

4. The praecipe appearing on page 26; and the chancery subpoena appearing on pages 27 and 28.

5. Those portions of Exhibit A to the affidavit of Norman B. Greer, consisting of cover and lists of officers appearing on pages 29, 30, 31 and 32; the list of members on lower half of page 49 and on page 50; and the index to said exhibit appearing on pages 51 and 52.

6. Those portions of Exhibit B to the affidavit of said Greer, consisting of the lower leaflet on page 53, being index.

7. The copy of the articles of association, rules and by-laws of the Kansas City Live Stock Exchange, attached
b to the defendants' answer and appearing on pages 119 to 166 both inclusive, the same being a repetition of Exhibit A, to the affidavit of Norman B. Greer, and to be printed as such.

8. The chancery subpoena and return thereon appearing on pages 177 and 178.

9. The Exhibit A to the affidavit of E. J. Rickes et al., appearing on pages 189 to 198 both inclusive, being wood

cuts of various members of said exchange, it being impossible to properly reproduce the same in print.

10. The copy of the articles of association, rules and by-laws of the Kansas City Live Stock Exchange appearing on pages 201 to 248 both inclusive.

11. The list of members of said exchange being Exhibit A to the affidavit of R. P. Woodbury appearing on page 253 and being a repetition of the list appearing on page 181.

12. The affidavit of J. M. Orr and the transcript thereto attached covering pages 359 to 423 both inclusive.

C. F. HUTCHINGS,
L. C. KRAUTHOFF,
For Appellants.
I. E. LAMBERT,
U. S. Atty. Kansas,
For Appellee.

No. 1002. Henry Hopkins et al., Appellants, vs. United States. Stipulation concerning printing of record. Filed Oct. 28, 1897. John D. Jordan, Clerk. Karnes, Holmes & Krauthoff, Attorneys at Law, Kansas City, Mo.

1 In the Circuit Court of the United States in and for the District of Kansas, First Division.

The United States of America, Plaintiff,
vs.
Henry Hopkins, A. Isaacson, F. X. Jardon, J. T. Kiely, A. J. Knollin, W. L. Ladd, T. F. McDonald, J. W. Orlander, M. S. Peters, O. C. Peters, Gilamn Reed, E. E. Richardson, W. A. Rogers, J. K. Southee, J. M. Sweeney, Henry Theis, E. E. Trowbridge, Harry Trower, O. B. Trower, S. R. Trower, Wm. Winder, R. H. Wise, L. M. Egan, Fred Ehrke, W. F. Grant, W. S. Hannah, J. H. Clotfelter, T. E. Ladd and Woodson McCoy, Defendants.

To the Honorable Judges of said Circuit Court:

The United States of America, by W. C. Perry, United States attorney for the District of Kansas, who acts in this behalf under the direction and by the authority of the Attorney General of the United States, brings this, its petition and bill of complaint against Henry Hopkins, A. Isaacson, F. X. Jardon, J. T. Kiely, A. J. Knollin, W. L. Ladd, T. F. McDonald, J. W. Orlander, M. S. Peters, O. C. Peters, Gilamn Reed, E. E. Richardson, W. A. Rogers, J. K. Southee, J. H. Clotfelter, L. M. Egan, Fred Ehrke, Harry Trower, O. B.

Trower, S. R. Trower, Wm. Winder, R. H. Wise, T. E. Ladd and Woodson McCoy, each of whom are citizens and residents of the State of Kansas, and thereupon your orator complains and gives the court to understand and be informed that each of the persons above named are now members of a voluntary unincorporated association known and designated as the "Kansas City Live Stock Exchange," and that they have each received a certificate evidencing a membership in said association; that said defendants and other persons not citizens or residents of the State of Kansas, who are also members of said association, have adopted so-called articles of association and rules and by-laws whereby they have agreed one with the other that they will faithfully [observed] and be bound by the same, and by such new rules and such
2 additions and amendments thereto as may from time to time be adopted by the association; that the government of said Kansas City Live Stock Exchange, by said articles of association, rules and by-laws, and by the consent of all said defendants, is vested in a board of eleven directors, all of whom are members of said exchange; that the officers of said exchange in addition to said directors, are president, vice-president, secretary and treasurer; that the business of said exchange is carried on and conducted by said board of directors and by said officers, with the consent, knowledge and approbation of the defendants as members of said exchange at the Kansas City Stock Yards, situated in the city of Kansas City, in the State of Missouri, and in the city of Kansas City, in the State of Kansas, and in a building owned by the Kansas City Stock Yards Company, said building being located so that one-half of it is located in said State of Missouri, and the other one-half thereof in the State of Kansas; that about one-half in number of said defendants have offices and transact business in said stock yards and in said building within the State of Kansas, and the other one-half of said defendants have offices and transact business at said building and stock yards in the State of Missouri.

And your orator further shows to the court that the Kansas City Stock Yards Company now is, and at all the times hereinafter referred to was, a corporation owning, controlling, operating and managing what is known as the Kansas City Stock Yards; that said stock yards are located on both sides of the state line between the States of Kansas and Missouri, and in Jackson county, Missouri, and in Wyandotte county, Kansas, and consist of yards, pens, chutes, railway tracks, sheds, weighing scales, the building hereinbefore referred to, and other means and appliances for receiving, yarding, feed-

ing, and shipping cattle, hogs and other live stock;
3 that said building contains a large number of rooms and offices for the accommodation of the officers of said stock yards company, which are by it operated and leased to members of said Kansas City Live Stock Exchange, numbering altogether about three hundred persons; that the board of directors of said exchange each of whom are defendants herein, transact its business partially in the State of Missouri and partially in the State of Kansas.

And your orator further shows to the court that substantially all the business transacted in the matter of receiving, buying, selling and handling cattle and other live stock at said Kansas City is carried on by the defendants herein and the other members of said exchange as commission merchants at said Kansas City Stock Yards, and that a large proportion of the live stock, consisting of cattle, hogs and sheep, bought, sold and handled at said stock yards by said defendants and their fellow members in said exchange, are shipped from the States of Kansas, Nebraska, Colorado, Texas, Missouri, Iowa and Arkansas, and the Territories of Oklahoma, Arizona and New Mexico; that when stock is received at said stock yards it is sold by the defendants aforesaid and their associate members of said exchange to the various packing houses situated in Kansas City, Missouri, and Kansas City, Kansas, and is also sold for shipment to various other markets, and particularly for shipment to the Chicago, St. Louis and New York markets; that a vast number of cattle, hogs and other live stock is thus received annually at said stock yards and so sold, and handled by the members of said Kansas City Live Stock Exchange, and that said Kansas City stock market is a public market and supplies a large number of packing houses located at and near Kansas City, Missouri, and Kansas City, Kansas, and other points in different states of the Union; that said Kansas City market next to Chicago is
4 the largest live stock market in the world, and that under the custom and practice which has for many years prevailed and is now in vogue at said Kansas City Stock Yards, the live stock received at said stock yards upon its arrival there, is delivered to commission merchants who are members of said Kansas City Live Stock Exchange, who receive, handle, sell or reship the same for the consignors and owners thereof to other states and territories, charging therefor a commission for their services in that respect; that in the course of business at said stock yards, and in such buying, selling, handling and reshipment of cattle, hogs and sheep at said Kansas City market, said stock is moved and shifted from that part of said stock yards situated in the

State of Kansas, to that part of said stock yards located in the State of Missouri, and vice versa, according to the convenience of said Kansas City Stock Yards Company; that in the reshipment of stock from said stock yards a portion are shipped from the State of Kansas and a portion from the State of Missouri, the loading pens and chutes of said corporation being, as before alleged, situated in both said states and contiguous to each other; that a large proportion of the live stock handled, sold and reshipped at said Kansas City Stock Yards by the defendants and other members of said Kansas City Live Stock Exchange are encumbered by mortgages thereon executed by the owners thereof in the various states and territories aforesaid where said live stock is raised and fed; that said mortgages are made to the defendants and the other members of said Kansas City Live Stock Exchange doing business at said stock yards, and that it is the practice and custom of the defendants and their associates to advance large sums of money to stock growers and owners of cattle in the states and territories aforesaid, so that the owners of said live stock may have the means to feed and prepare it for market; that when said live stock so mortgaged are ready for shipment they are consigned to the defendants and other members of said live stock exchange who have, as aforesaid, made advancements thereon, and on the sale of said stock the amount of said advancements and interest is deducted from the proceeds of the sale of said cattle by the commission merchants having a lien thereon by mortgage as aforesaid; that ninety per cent of the members of said live stock exchange make such advancements of money on live stock, and the large and growing market for live stock at Kansas City is largely sustained by means of the money so advanced to the cattle raisers by the defendants herein and their associates; that said stock yards at Kansas City afford to owners, shippers and dealers in live stock the only available means at that place for handling, selling and reshipping live stock, and the only available place for those purposes within two hundred miles to the north, south and east of Kansas City and for two thousand miles to the west thereof; that by reason thereof said Kansas City Stock Yards is the only available public market for the purchase and sale of live stock for an exceedingly large territory located in the states and territories of the United States hereinbefore named, and the only available means for the exchange of inter-state traffic in said live stock between the states and territories aforesaid; that it is, and for several years has been, the daily custom and practice of said defendants and their associates in the conduct of their commission business to sell live stock

in the State of Missouri, which is at the time located at said stock yards in pens in the State of Kansas, and to sell live stock in the State of Kansas, which is at the time located at said stock yards in pens in the State of Missouri, and deliveries of said live stock are made on such sales from the State of Kansas to purchasers in the State of Missouri, and deliveries of said live stock are also daily made on such sales from the State of Missouri to purchasers in the State of Kan-
6 sas; that all of the commission merchants engaged in the business of buying, selling and reshipping live stock at said Kansas City market are members of said Kansas City Live Stock Exchange.

And your orator further shows to the court that it now is, and for several years has been, the custom and practice among a large number of cattle growers and shippers in different states and territories of the United States, who consign live stock to the Kansas City Stock Yards for sale, to draw drafts for various amounts on the commission merchants to whom said live stock is consigned, and attaching the bill of lading issued by the carrier therefor, to draw money on said drafts from the local banks throughout the western states and territories aforesaid, and when said drafts are presented to the consignees, the commission men aforesaid, at Kansas City, the same are paid by them in the States of Missouri and Kansas, and the proceeds thereof remitted by the collecting banks to the banks located in the various towns and cities from which said live stock was shipped, and who have advanced money on the drafts aforesaid; that by reason of the business at said stock yards being transacted on both sides of the state line between Kansas and Missouri, and by reason of the fact that live stock received, bought, sold and reshipped at said stock yards are transported from one state to another state of the Union, and in the course of being so received, sold, delivered and reshipped at the stock yards, are at times in Kansas and at others in Missouri, the said busines is inter-state in character, and the legislation of the States of Missouri and Kansas is inapplicable thereto, and such business can only be regulated and controlled by federal legislation, because it is a part of the commerce between the states; that said Kansas City stock market is patronized to a large ex-
7 tent by buyers of live stock who ship their purchases made at said Kansas City Stock Yards from the States of Kansas and Missouri to states east thereof, and for export to foreign countries, and that such purchasers of live stock at said stock yards have resident agents who make purchases of live stock through the defendants and other members of said Kansas City Live Stock Exchange, and said live stock

when so purchased is loaded into railroad cars and carried to Chicago, St. Louis, New York and other eastern markets; that large shipments of live stock are made as aforesaid from the States of Missouri, Kansas, Texas, Iowa, Arkansas, Colorado, and the Territories of Oklahoma, Arizona, and New Mexico to said Kansas City Stock Yards for the purpose of having said live stock sold and the proceeds returned to the owners thereof in the states and territories aforesaid; that if the person or partnership or corporation to whom said live stock is consigned at Kansas City aforesaid is not a member of said Kansas City Live Stock Exchange and a [a] subscriber to its rules and by-laws, then said consignee is not permitted and cannot sell or dispose of said live stock at the Kansas City market, for the reason that the defendants and all the other commission merchants doing and controlling the business at said stock yards, as required by the rules of said exchange refuse to buy live stock or in any manner negotiate or deal with or buy from a person or commission merchant who is not a member of said Kansas City Live Stock Exchange; that in all such cases the owner of live stock shipped to the Kansas City market is compelled to reship the same to some other market, and by the unlawful combination existing among the defendants and the other members of said Kansas City Live Stock Exchange is prevented from delivering such live stock to the Kansas City Stock Yards, and the sale of said live stock is thereby hindered and delayed,
8 thus entailing extra expense and loss to the shipper, and placing an obstruction and embargo on the marketing of all live stock shipped from the states and territories aforesaid to the Kansas City market which is not consigned to the Kansas City Stock Yards Company, or to the defendants, or other members of said Kansas City Live Stock Exchange, who alone are permitted by said Kansas City Stock Yards Company to transact business at its stock yards.

And your orator further shows to the Court that the defendants and the other members of said Kansas City Live Stock Exchange have adopted, and are governed by, certain articles of association, rules and by-laws, which have been subscribed to by each of the above named defendants, many of which said rules and by-laws, are in restraint of trade and commerce between the states and intended to create a monopoly in contravention of the laws of the United States in that behalf; that rule nine adopted by said defendants and their associates in said live stock exchange and now in force as one of its by-laws or rules, provides as follows:

"Rule IX. Commissions.

Section 1. The commissions charged by members of this association for selling live stock shall not be less than the following named rates:

Sec. 2. Six dollars per carload for single-deck carloads of hogs or sheep, and ten dollars per carload for double-deck carloads of the same: Provided, members of this exchange may, after charging commissions as above provided, pay a regular sheep salesman on these yards a sum of money contingent on number of sheep sold; said sheep salesman may be in the employ of other members of the exchange.

Sec. 3. Fifty cents per head for cattle of all ages. In carloads of twenty-four or more not more than twelve dollars per carload; ten dollars per single-deck carload and eighteen dollars per double-deck carload of veal calves.

Sec. 4. Fifty cents per head for cattle and twenty-five cents per head for calves and ten cents per head for hogs and sheep, in mixed carloads—but not to exceed twelve dollars per carload. Fifty cents per head for cattle and twenty-five cents per head for calves driven into the yards, and ten cents per head for hogs and sheep for sixty head or less; more than that number shall be charged for at carload rates.

Sec. 5. Fifty cents per head for buying cattle for stockers or feeders: Provided, such charges shall not exceed twelve dollars per carload; six dollars per single-deck carload
9 for buying sheep and ten dollars per double-deck carload. All purchases paid for by a commission house or shipping clearance made by same shall be deemed a purchase and charged for as above provided.

Sec. 6. Not less than four dollars per single-deck and five dollars per double-deck carload for buying live hogs, and not less than three cents per head for hogs bought by the head.

Sec. 7. No member or commission firm or corporation represented herein shall do business for a yard trader or speculator on this market for less charges than one-half the regular commission.

Sec. 8. Firms or corporations represented in this exchange may handle the business of non-resident commission firms or corporations, when the stock is consigned direct to or from said non-resident commission firm or corporation, at half the rates fixed by this rule. Provided, said non-resident commission firms or corporations are established on one or more of the following markets, to wit: Chicago, Ill.; East St. Louis, Ill.; St. Louis, Mo.; Omaha, Neb.; Wichita, Kas.; St. Joseph, Mo.; Denver, Col.; and Pueblo, Col.

Sec. 9. No member of this exchange or firm or corporation represented herein shall cause or allow to be shipped in his or its name any kind of live stock, for the purpose of violating any of the provisions of this rule.

Sec. 10. No agent, solicitor or employee, shall be hired except upon a stipulated salary, not contingent upon commissions earned (save as provided in section 2 of this rule). No solicitor shall be employed except as a bona fide traveling agent, who shall not solicit consignments local to his own neighborhood only nor to secure his individual trade. Nor shall any agent, solicitor or employee, be hired who is employed by any other party or parties, or who is actively engaged in other business (save as provided in section 2 of this rule). Members of this exchange must file with the secretary within five days of employment the names and addresses of their solicitors. More than three solicitors shall not be employed at one time by a commission firm or corporation—resident or non-resident of Kansas City—may travel as solicitors, but must be registered as one of the three allowed each firm or corporation. It shall be a violation of this rule for any solicitor representing or claiming to represent, a commission firm or corporation in any other market to solicit for any Kansas City firm; and members shall be held accountable for the acts of any solicitor who, under the guise of soliciting for a branch house, solicits for a Kansas City firm or corporation.

Sec. 11. Any member of this association or firm or corporation represented herein, sending or causing to be sent a prepaid telegram or telephone message quoting the markets, giving information as to the condition of the same, shall be fined not less than $100 nor more than $500. If said fine is not paid within three days said firm or member shall be suspended until said fine is paid: Provided, however, that prepaid messages may be sent to shippers quoting actual sales of their stock on the day made; also to parties desiring to make purchases on this market.

Sec. 12. Any member of this exchange or firm or corporation in which he may be a partner, violating any of the provisions of this rule, shall be fined not less than $500 nor more than $1,000 for the first offense; if said fine be not paid within three days said member or firm may be suspended from membership until same is paid. For a second offense, said member or firm may be expelled from membership in the exchange.

Sec. 13. From such fines and special assessments the exchange shall pay a reward of $500 to any party or parties fur-

nishing sufficient evidence to convict any member of a violation of any of the provisions of this rule, and said reward shall be paid immediately after conviction.

Sec. 14. For the purpose of making effective section 12 of this rule, when the treasurer shall not have on hand from fines collected the sum of $500, the directors shall levy a special assessment, pro rata, on each commission firm or corporation buying or selling live stock in this market who is a member of the exchange, and they shall continue to levy such special assessments in such amounts as will keep a fund of $500 constantly on hand for this purpose. Said fund shall be kept as a special fund and shall be used for no other purpose.

Sec. 15. Each firm or corporation represented in this exchange shall be held responsible for any violations of this rule by any party doing any portion of a commission business in its name, and any penalty imposed for violation of the foregoing shall be on account of such party; if not paid within three days the firm or corporation doing said business shall sever its business connections with such party within ten days. No firm or corporation shall thereafter do any business for such party until said fine is paid."

And your orator further shows to the Court that all of said defendants have agreed to be bound by and conform to the provisions of said rule 9 as above set forth, and that the board of directors of said Kansas City Live Stock Exchange have within three months last past suspended members thereof for a violation of the provisions of said rule, and the board of directors of said Kansas City Live Stock Exchange have from time to time exercised jurisdiction over complaints made against members of said exchange for violation of different sections of said rule. That rule sixteen of said Kansas City Live Stock Exchange, now in force and adopted and subscribed to by said defendants, provides as follows:

"Rule XVI. Limitations. Section 1. No member of the Kansas City Live Stock Exchange shall transact any business with any person violating any of the rules or regulations of this exchange, or an expelled or suspended member, after notice of such violation, suspension or expulsion has been issued by the secretary or board of directors of the exchange."

And your orator further avers that each of the defendants have by the adoption of said articles of association, rules
11 and by-laws, and by associating themselves together in said association known as the Kansas City Live Stock Exchange, and in carrying out said articles, rules and by-laws, and by the conduct of business aforesaid as the Kansas City

stock yards, conspired and confederated together in violation of the laws of the United States, and particularly in violation of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and in the prosecution of said unlawful combination have agreed and confederated to monopolize the business of buying and selling live stock at said Kansas City market, and to illegally fix and establish a minimum price for buying and selling the same, and have further, in restraint of trade and commerce between the states, confederated together to prevent and restrain the free transmission of information regarding the state of the market of said Kansas City by telegraphic messages and information to the various states and territories aforesaid, and by the adoption and enforcement of said rule 9, have restricted the free employment of agents and solicitors in the prosecution of the business in which said defendants are engaged as live stock commission merchants, said business being carried [—] as aforesaid at the Kansas City stock yards.

And your orator further shows to the Court that the purpose of the defendants and their associates in organizing the Kansas City Live Stock Exchange, and in adopting and enforcing the rules and by-laws aforesaid, was and is to prevent the shipment and consignment of any live stock to the Kansas City market, unless said stock is shipped and consigned to the Kansas City stock yards, and to the defendants or other members of the Kansas City Live Stock Exchange, and that the further purpose of said defendants and their associates in organizing said association and in so preventing the shipment and consignment of live stock to persons other than
12 themselves, was to compel shippers of live stock from each of said western states and territories to pay to defendants and their associates the commissions and charges provided for in said rule 9 and to prevent all shippers of live stock from said western states and territories from placing their property on sale at the Kansas City market, unless such commissions so provided for in said rule 9 were paid to the defendants or their associates in said unlawful combination.

And your orator further shows to the Court that it was also the purpose of said defendants and their associates, by the means aforesaid, to monopolize the business of receiving, handling, selling, buying and reshipping all live stock received at the Kansas City market, and all live stock raised in said western states and territories and shipped to said Kansas City, and also to prevent the sale at said Kansas City market by any person not a member of said Kansas City Live Stock Exchange of any live stock whatever from the states and ter-

ritories aforesaid, and to prevent any person other than themselves from acting as commission merchants in and about the sale of live stock at the Kansas City market, and to obstruct and retard the owners of live stock in the states and territories aforesaid in the sale and disposition of their property in the market at said Kansas City, and in the other markets hereinbefore named, to which cattle are reshipped or forwarded from said Kansas City stock yards.

In consideration whereof, and inasmuch as your orator is relievable only in the premises in this honorable court, where matters of this nature are properly cognizable and relievable, your orator respectfully prays that your honors will order, adjudge, and decree that said Kansas City Live Stock Exchange be dissolved, and that said defendants, and each of them, be provisionally and permanently enjoined and prohibited from entering into, or continuing in, any sort of
13 combination, contract, agreement, or confederation to deprive the people engaged in shipping, selling, buying, and handling live stock received from the states and territories aforesaid and intended to be sold to the packing houses at Kansas City, Kansas, and Kansas City, Missouri, or to other persons or corporations, or intended to be reshipped to other states or territories or to foreign countries, from enjoying free access to the market at Kansas City, and to the facilities afforded by the Kansas City stock yards, on the payment of the same rate and charges at said stock yards as are now paid by the defendants and their associate members of said Kansas City Live Stock Exchange.

And your orator further prays that said defendants, and each of them, their servants, agents and employes, be provisionally and perpetually enjoined and restrained from enforcing, or acting pursuant to said rule 9 of said Kansas City Live Stock Exchange, or yielding obedience thereto; also from imposing or attempting to impose any of the fines or penalties provided for in said rule; also from discriminating, in any manner, against any person who is not a member of said Kansas City Live Stock Exchange solely because of such non-membership; also from refusing, by united or concerted action, to deal or trade with persons who are not members of said Kansas City Live Stock Exchange solely because of such non-membership; also from entering into any contract, combination or conspiracy, fixing or tending to fix, directly or indirectly, the price to be charged as commission for buying or selling live stock shipped from one state or territory for sale or disposition in another state or territory; also from entering into any contract, combination or conspiracy limiting, or attempting to limit, the right of any person in business at said Kansas City

stock yards to employ labor or assistance, or the right of any such person to send telegrams, prepaid or not, from said stock yards to any other state or territory.

14 And your orator also prays for such other, further or different relief herein, with its costs, as equity may warrant, or to the Court may seem meet.

To the end, therefore, that said defendants may, if they can, show why your orator should not have the relief hereby prayed, and may, according to their best and utmost knowledge, remembrance, information and belief, full, true, direct, and perfect answer make, but not under oath, answer under oath being specially waived, to each and all the matters and things in this bill and petition contained, and that as fully and as particularly as if the same were here repeated paragraph by paragraph and they were specially interrogated thereunto severally, may it please your honors to grant to your orator a writ of subpoena ad respondendum issuing out of and under the seal of this honorable court, to be directed to the said Henry Hopkins, A. Isaacson, F. X. Jardon, J. T. Kiely, A. J. Knollin, W. L. Ladd, T. F. McDonald, J. W. Orlander, M. S. Peters, O. C. Peters, Gilaun Reed, E. E. Richardson, W. A. Rogers, J. K. Southee, J. H. Clotfelter, L. M. Egan, Fred Ehrke, Harry Trower, O. B. Trower, S. R. Trower, Wm. Winder, R. H. Wise, T. E. Ladd and Woodson McCoy, commanding them, and each of them, on a certain day, and under a certain penalty to be therein inserted, to appear before your honors in this Honorable court, and then and there full, true, direct and perfect answer make to all and singular the premises; and further to stand to, perform, and abide by such further order or decree as to your honors shall seem meet; and also a writ of provisional and a writ of perpetual injunction to the same tenor, purport and effect, as is hereinbefore set forth and prayed.

And your orator as in duty bound will ever pray.

W. C. PERRY,
United States Attorney and Solicitor for Complainant.
JUDSON HARMON,
Attorney General.

RANKIN MASON,
Asst. U. S. Atty. Of Counsel.

15 State of Kansas,
Wyandotte County—ss.

Norman B. Greer of lawful age, being duly sworn, says that he has read the foregoing bill of complaint and that the [the] statements and allegations therein contained are true.

NORMAN B. GREER.

Subscribed and sworn to before me this 23 day of December, 1896.

[Seal] GEO. F. SHARITT, Clerk.

Indorsed: No. 7402. United States vs. Henry Hopkins et al. Bill of complaint. Filed Dec. 31, 1896. Geo. F. Sharitt, Clerk.

* * * * * * * * * *

23 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States of America, Complainant,
vs.
Henry Hopkins et al., Defendants.

MOTION FOR LEAVE TO MAKE NEW PARTIES.

Comes now the complainant, and moves the court for leave to make new and additional parties defendant, for the reason that the present defendants are only a portion of the members of the so-called Kansas City Live Stock Exchange, and for the reason that all the members of said exchange are necessary parties to a full adjudication of the questions involved in this suit.

W. C. PERRY, U. S. Atty.

ORDER.

On consideration of the motion of the complainant for leave to make new parties defendant, it is hereby ordered that the complainant be, and hereby is, given leave to amend its bill by making parties defendant the following persons:

J. C. Abbott, Reuben Abbot, J. W. Adams, L. A. Allen, J. C. Anderson, L. B. Andrews, K. B. Armour, S. B. Armour, Wm. Atchison, H. M. Baker, W. C. M. Baker, B. F. Baldwin, C. P. Baldwin, I. J. Baldwin, I. S. Barnes, G. R. Barse, R. T. Bass, A. E. Beggs, G. T. Bell, Wells Benson, F. W. Bishop, C. W. Black, J. A. Blair, G. W. Bolen, C. J. Booth, E. R. Boswell, J. O. Brinkerhoff, C. G. Bridgeford, D. B. Brooks, Hamer Brown, S. G. Burnside, M. M. Cable, G. B. Campbell, G. W. Campbell, R. K. Campbell, S. W. Campbell, C. R. Canon, M. W. Carroll, A. C. Cassidy, W. L. Cassidy, H. P. Child, John Clay, Jr., G. W. Clawson, J. E. Cote, Frank Cooper, R. E. Cox, C. P. Crider, Zeb F. Crider, A. J. Gillespie, J. F. Gillespie, L. J. Gillespie, T. E. Gillespie, W. F. Grant, J. E. Greer, N. B Greer, J. E. Hale, G. T. Hall, J. C. Hall, W. W. Hall, J. H. Harrington, P. H. Harris, Alex. Henderson, W. C. Henrici, George Holmes, C. H. Howard, A. B. Hunt, W. F. Huston, T. S. Hutton, D. N. Hyre,

J. E. Inman, S. D. Irwin, J. N. Irwin, N. T. Jackman, G. E. Jones, L. S. Jones, S. F. Jones, G. O. Keck, G. W. Keeney, I. N. Keeney, James Keeney, Thomas Kelly, W. L. Hendricks, C. M. Keys, Isaac Keys, E. F. Kirk, A. J. Knollin, Louis Kopp, J. N. Payne, C. A. Pieronnet, R. R. Pieronnet, A. W. Penny, Clay Peters, S. D. Peters, G. H. Pierson, W. E. Pierson, R. H. Prigg, H. N. Reed, W. J. Reid, D. R. Rice, M. W. Rice, E. J. Rickes, C. O. Robinson, Eugene Rust, R. W. Ryan, John Salisbury, G. W. Sanders, W. H. Sawtell, Samuel Scaling, F. W. Schulz, W. M. Schwartz, E. T. Scovill, J. C. Scroggin, M. D. Scruggs, C. A. Shaeffer, Jesse Sherwood, C. H. Shirley, T. C. Shoemaker, Frank Siegel, J. H. Simcock, E. M. Smith, A. J. Snider, C. A. Snider, J. K. Southee, H. M. Sparrow, W. N. Sparrow, Madison Staley, J. I. Standish, M. W. St. Clair, C. C. Steele, Michael Steele, James Stephens, G. W. Stockwell, Jere Crowley, J. B. Crowley, S. G. Crum, C. T. Daniels, C. A. Davis, James Dick, Charles Dixon, C. G. Dixon, J. D. Dobyns, G. W. Doerr, J. C. Dold, H. B. Dorsett, J. S. Dorsey, Andrew Drumm, R. H. Duke, B. M. Duncan, John Dyer, T. J. Eaman, G. T. Ecton, E. F. Edgecomb, Fred. Ehrke, Wm. Elmore, J. P. Emmert, A. J. Epperson, Wm. Epperson, A. G. Evans, J. D. Eubank, W. J. Ewart, T. F. Farmer, S. D. Felt, P. H. Finn, J. W. Firebaugh, F. O. Fish, F. W. Flato, Jr., J. A. Fleming, W. F. Fletcher, W. H. Forrest, F. A. Forsha, G. W. Foster, G. A. Fowler, Lafayette Frew, G. I. Gann, C. S. Garrett, M. T. Burwell, W. E. Curtis, T. C. Shelby, J. A. Sutphen, D. L. Jones, J. D. Robertson, H. H. Lane, W. H. H. Larimer, J. E. Larmon, Samuel Lazarus, T. B. Lee, Charles Leigh, L. A. Lennon, H. S. Lincoln, L. Lusk, J. W. Martin, L. T. Martin, W. B. McAlister, F. W. McCoy, J. C. McCoy, J. S. McIntosh, J. P. McMurrary, C. G. Means, W. W. Means, J. T. Megredy, A. A. Miller, W. O. Miller, F. O. Mills, F. B. Mitchener, F. S. Moffett, P. Montgomery, W. F. Moore, C. F. Morse, A. T. Mustion, J. H. Neff, G. N. Nichols, W. A. Noel, G. H. Nute, L. O. Nutter, H. C. Offutt, R. T. Offutt, E. M. Parlin, P. W. Parrott, H. B. Patterson, H. L. Patterson, T. B. Patton, J. H. Payne, I. S. Alexander, M. F. Blanchard, James Cowgill, A. J. Elliott, David Olenger, J. B. Russell, F. R. Stoller, J. R. Stoller, H. L. Straight, E. L. Swazey, E. F. Swift, W. L. Tamblyn, E. E. Talbot, J. F. Taylor, W. H. Taylor, T. F. Timmons, W. P. Tinkham, J. P. Titsworth, H. B. Tower, R. M. Tracy, Thomas Trower, D. S. Underwood, M. J. Verner,
24 J. H. Waite, J. F. Waite, G. M. Walden, S. R. Walker, H. E. Wallingford, B. L. Welch, J. A. Welch, F. W. Welhener, R. N. Wells, G. W. Westfall, L. E. White, R. C. White, J. R. Wilhite, Erasmus Wilson, R. P. Woodbury, S. P. Woods, James Worden, F. C. Wornell, William Wright, F. O. Sanders, L. F. Young, P. H. Ketcham, G. A. McWilliams,

W. R. Munger, J. P. Peters, Samuel Grabenheimer, C. H. Means and Benjamin Holmes.

CASSIUS G. FOSTER, Judge.

Indorsed: No. 7402. In the Circuit Court of the U. S. Dist. of Ks. U. S. vs. Henry Hopkins et al. Motion for leave to make new parties and order thereon. Filed Jan. 23, 1897. Geo. F. Sharitt, Clerk.

Which amendment was accordingly made.

* * * * * *

29 EXHIBIT A.

ARTICLES OF ASSOCIATION,

RULES AND BY-LAWS

AND

RULES FOR INSPECTION OF HOGS

OF THE

Kansas City Live Stock Exchange

Together with a List of Members.

April 1, 1896.

1896:
LAWTON & BURNAP, PRINTERS AND STATIONERS,
KANSAS CITY.

ARTICLES OF ASSOCIATION,

RULES AND BY-LAWS

AND

RULES FOR INSPECTION OF HOGS

OF THE

Kansas City Live Stock Exchange

Together with a List of Members.

April 1, 1896.

KANSAS CITY:
LAWTON & BURNAP, PRINTERS AND STATIONERS,
1896.

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J. R. STOLLER, - - -	PRESIDENT.
CHAS. P. BALDWIN, - -	VICE-PRESIDENT.
W. C. HENRICI, - - -	TREASURER.
R. P. WOODBURY, - -	SECRETARY.
A. J. VANLANDINGHAM, -	COMMISSIONER TRANSPORTATION.

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CHAS. P. BALDWIN,
*ZEB. F. CRIDER,
*L. A. LENNON,
*J. W. MARTIN,
†W. S. HANNAH,
†A. E. BEGGS,
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‡FRANK SIEGEL.
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F. B. MITCHENER.

BOARD OF ARBITRATION.

J. E. HALE,
W. A. ROGERS,
R. H. DUKE,
GEO. R. BARSE,
M. D. SCRUGGS.

*Term expires February, 1897.
†Term expires February, 1898
‡Term expires February, 1899.

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W. P. ALLCUTT.

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D. L. JONES.

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R. C. WHITE, W. A. ROGERS,
A. J. McCOY.

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ISAAC KEYS, J. C. DOLD,
W. P. ALLCUTT.

BOARD OF ARBITRATION.

K. B. ARMOUR, W. F. MOORE,
H. P. CHILD, J. P. EMMERT,
GEORGE HOLMES.

ARTICLES OF ASSOCIATION
AND
RULES AND BY-LAWS
OF THE
KANSAS CITY LIVE STOCK EXCHANGE.

We, the undersigned, for the purpose of organizing and maintaining a business Exchange, not for pecuniary profit or gain nor for the transaction of business, but to promote and protect all interests connected with the buying and selling of live stock at the Kansas City Stock Yards,* and to promulgate and enforce amongst the members correct and high moral principles in the transaction of business, have associated ourselves together under the name of KANSAS CITY LIVE STOCK EXCHANGE, and hereby agree each with the other, that we will faithfully observe and be bound by the following Rules and By-Laws, and such new rules, additions or amendments as may from time to time be adopted in conformity with the provisions thereof, from the date of organization, by the election of a Board of Directors and other officers, as prescribed by Rule 1.

RULE I.

GOVERNMENT OF THE EXCHANGE.

SECTION 1. The government of the Kansas City Live Stock Exchange is hereby vested in a Board of eleven Directors, all of whom shall be members of the Exchange, three of whom shall be elected annually, and the President and Vice-President shall be elected annually by the members of the Exchange, and shall be *ex officio*

*Fourth of July, Thanksgiving and Christmas the Stock Yards to be closed except for the reception and feeding of live stock.

members of the Board of Directors. Seven members of the Board of Directors shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time to any fixed date preceding the next regular meeting of said Board.

SEC. 2. There shall be elected by members of the Exchange a Board of Appeals and a Board of Arbitration, consisting of five members each, who shall hold their respective offices for the term of one year, or until their successors shall have been elected. The qualifications for election to either of these Boards shall be the same as for the office of Director. Three members shall constitute a quorum for the transaction of business. No person shall at the same time be a member of both Boards or of either Board and the Board of Directors.

SEC. 3. The annual election of Officers and Boards of Appeals and Arbitration, as provided in Sections 1 and 2, shall be held at the office of the Exchange on the second Monday of February in each year, between the hours of 10 o'clock A. M. and 4 o'clock P. M., and all voting shall be by ballot. The official term of all officers shall commence on the Monday succeeding their election.

SEC. 4. Three members of the Exchange not Directors, shall be appointed by the Board of Directors as Judges of Election, who shall receive and count the ballots and certify the results of the election to the Secretary.

SEC. 5. For members of the Board of Directors, Board of Appeals and Board of Arbitration, the candidates receiving the highest number of votes respectively, shall be elected.

SEC. 6. In case of a tied vote on any member of electors, including and exceeding the number to be chosen, another election shall be held on the succeed-

ing day for as many officers as are undetermined by such tie.

SEC. 7. No one shall be allowed to vote by proxy.

RULE II.

DUTIES OF THE PRESIDENT.

SECTION 1. It shall be the duty of the President to act as the general executive officer of the Exchange and of the Board of Directors; to preside at all meetings of the Exchange and of the Board of Directors, and to direct the proceedings of each in accordance with the Rules, By-Laws and Rules of Order governing the same; to call special meetings of the Exchange, which shall be done by causing notice of the same to be publicly posted on the bulletin-board of the Exchange: *Provided*, such request shall state the object for which such meeting is to be called and it shall be made at least one business day preceding the said meeting.

SEC. 2. It shall be the duty of the President to preserve order and business decorum during all meetings of the Exchange, and in case any member or other person shall be guilty of any disorderly, boisterous or offensive conduct while in such meetings, he shall for that offense be fined a sum not exceeding five dollars, or suspended from all privileges of the Exchange for such time as may be determined by the President, subject, however, to appeal to the Board of Directors, but pending such appeal he shall be suspended if the President shall so elect.

SEC. 3. It shall be the duty of the President to temporarily fill any vacancy which may occur in any appointive office of the Exchange, and to appoint all committees whose appointment is not otherwise provided for.

RULE III.

DUTIES OF THE VICE-PRESIDENT.

SECTION 1. It shall be the duty of the Vice-President to perform the duties of the President in case of his absence or disability.

RULE IV.

POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

SECTION 1. All the business and financial concerns of the Association shall be managed and conducted (in accordance with the Rules, Regulations and By-Laws of the Exchange) by or under the direction of the Board of Directors.*

SEC. 2. The Board of Directors shall, on the Monday succeeding each annual election or as soon thereafter as may be practicable, convene and appoint a Secretary, a Treasurer and such other officers, clerks, assistants and employes as it may consider necessary for the purposes of the Exchange, and it may establish such regulations for the direction and government of such appointees as it may deem proper; and may fix their compensation and determine by whom the same shall be paid. The terms of office of all such appointees shall commence on the Tuesday succeeding their appointment, or at such other time as the Board of Directors may designate, and shall continue for one year, or until their successors are appointed and assume their duties; but all such appointments shall be revocable at the will and pleasure of the said Board.

SEC. 3. The Board of Directors shall require all appointees to well and faithfully perform all and singular the duties of their office and may require a good and sufficient bond to secure such performance.

*In any case where a member of the Board of Directors has given information of a private character of anything that transpires in meetings of the Board, he will be requested to hand in his resignation—(Page 231).

SEC. 4. The regular meetings of the Exchange and of the Board of Directors shall be held on the first Monday of each month, except when said Monday shall fall upon a legal holiday, in which case the meeting may be omitted.

SEC. 5. The Board of Directors shall cause to be posted on the bulletin-board of the Exchange all appointments of public concern which it may make and all revocations of the same, and at every annual meeting it shall make a full report of receipts and expenditures properly classified, and an exhibit of the financial affairs, property and general condition of the Exchange. It may, previous to the annual meeting of the Exchange, assess on each of the members of the Exchange a *pro rata* amount, which in its judgment will be sufficient in the aggregate to meet all estimated expenditures of the Exchange for the ensuing fiscal year; and it shall at the annual meeting, in case an assessment is made, report to the Exchange the *pro rata* amount assessed.

SEC. 6. When any member of the Exchange has failed to comply promptly with the terms of any business contract or obligation and has failed to equitably and satisfactorily adjust and settle the same; or when any member has failed to promptly comply with and fulfil the award of any Board of Appeals or Board of Arbitration, made in conformity with the Rules, Regulations and By-Laws of the Exchange, he shall, upon admission or proof of such delinquency before the Board of Directors, be by it suspended from all the privileges of the Exchange until all his outstanding obligations to members of the same shall have been adjusted and settled, when he may, upon application, be reinstated. Notice of all applications for relief from suspension under the provisions of this section, shall be posted upon the bulletin-board of the Exchange for at

least one week prior to the hearing of any such application by the Board of Directors, when, if no other just claims shall be filed against said applicant, he may be so reinstated; and if the Board of Directors shall be satisfied that such failure was merely from financial inability or misfortune, such member, having so adjusted or settled such outstanding obligations, shall be reinstated, and such reinstatement in either case shall thereafter serve as a bar to any further discipline by the Exchange on account of any claims maturing at a date prior to the reinstatement of the said applicant.

SEC. 7. When any member of the Exchange shall be guilty of improper conduct of a personal character in any of the rooms of the Exchange; or when any member shall be guilty of a wilful violation of any business contract or obligation, and shall neglect or refuse to equitably and satisfactorily adjust and settle the same; or when any member shall wilfully neglect or refuse to comply with the award of any Board of Appeals or Board of Arbitration rendered in conformity with the Rules, Regulations and By-Laws of the Exchange; or when any member shall violate any of the Rules, Regulations and By-Laws of the Exchange; or when any member shall be guilty of any act of bad faith, or any attempt at extortion, or of any other dishonorable or dishonest conduct, he shall be fined, censured, suspended or expelled by the Board of Directors, as it may determine from the nature and gravity of the offense committed. A majority of a quorum sitting at a regular or adjourned meeting of the Board of Directors shall be necessary to fine, censure or suspend, and an affirmative vote of at least seven members of the Board of Directors shall be necessary to expel.

SEC. 8. In any investigation or trial before the Board of Directors, or before any other duly consti-

tuted committee or tribunal of the Exchange, if any member who shall have had notice from the Secretary in writing to appear and testify in the case; or if any member who shall have been cited by the Chairman of any duly constituted committee or other tribunal of the Exchange to appear and testify, shall neglect or refuse to so appear and testify; or, if testifying, shall refuse to answer any question, which may by a majority vote of the said Board of Directors, committee or other tribunal, be declared proper and pertinent to the case in hearing, he shall be subject to suspension by the said Board from all privileges of the Exchange for such period as said Board may determine; which may be done by said Board in case of contempt of a witness before said Board of Directors or on the report in writing of any such committee or other tribunal, in case the contempt shall occur before such committee or other tribunal of the Exchange. It is hereby provided that no witness shall be compelled to answer any question which shall criminate himself, nor shall any testimony be admitted which, in the opinion of the committee or other tribunal, is irrelevant to the case in hearing.

SEC. 9. Any member suspended for misconduct may be reinstated by a majority vote of a quorum of the Board of Directors.

SEC. 10. An expelled member shall not be readmitted to membership except upon payment of the regular initiation fee and annual assessment, and upon satisfactory evidence that he is a fit person for membership in the Exchange and then only upon an affirmative vote of at least seven members of the Board of Directors: *Provided*, such vote shall be had at a regular meeting at least one week succeeding a motion to readmit.

SEC. 11. All charges made to the Board of Directors against any member of the Exchange for any

default, misconduct or offense shall be in writing and shall state the default, misconduct or offense charged, and the same shall be signed by one or more members of the Exchange.

SEC. 12. No member shall be fined, censured, suspended or expelled under this rule without an examination by the Board of Directors of the charge against him, nor without having an opportunity to be heard in his own defense. No examination shall take place until notice has been served on the accused member, accompanied by a copy of the charges against him in writing. Such notice must be served upon the accused personally by the Secretary or his assistants, or it may be left at his (the accused's) ordinary place of business; in either of which cases the notice shall be considered sufficient and the examination may proceed, whether the accused is present or not.

SEC. 13. It shall be the duty of the Board of Directors, in case of a grave offense committed by any member against the good name or dignity of the Exchange, or any violation of its Rules, shall come to its knowledge, either by public rumor, report or otherwise, to cause a preliminary or informal investigation to be made by a committee of its number into the truth or falsity of such rumor or report, and if the said committee after investigation shall deem any member guilty of such offense as rumored or reported, it shall so report to the Board of Directors, with specific charges, whereupon the member thus implicated shall be notified to appear before the Board of Directors in manner as provided by Section 12 of this Rule, and, if found guilty, the said member shall be fined, censured, suspended or expelled as hereinbefore provided.*

*Any party desiring any matter, whether in the way of complaint or otherwise, to be considered by the Board of Directors, must put such matter in writing over his own signature. (Page 220.)

SEC. 14. In investigations before the Board of Directors or before any committee of the Exchange, no party shall be allowed to be represented by professional counsel.

SEC. 15. It shall be the duty of the Board of Directors to appoint such standing committees from its own number as it may deem necessary.

SEC. 16. In case of absence or disability of the President and Vice-President, it shall be the duty of the Board of Directors to elect from its number a temporary Chairman, who, in addition to his duties as Chairman of the Board of Directors shall also temporarily perform all other duties devolving upon the President.

SEC. 17. The Board of Directors shall have power to call special meetings of the Exchange upon such notice and for such purpose as it may deem proper. All calls for special meetings of the Exchange shall state the specific object of such meetings, and no other business than that for which a special meeting was called shall be considered or transacted at any such meeting, except by unanimous consent.

SEC. 18. In case of a vacancy occurring in the Board of Directors, Board of Appeals or Board of Arbitration, caused by the death, resignation or removal of a member, the Board of Directors shall have the power to fill such vacancy for the remainder of the unexpired term of such member.

SEC. 19. In case any member of that body shall absent himself from six consecutive regular meetings of the Board of Directors, without having been previously excused, or without communicating to the President, in writing, a good and sufficient excuse for his absence or a resignation of his office, the Board of Directors shall have power to declare the office of

said Director vacant and to immediately proceed to fill said vacancy.

SEC. 20. Special meetings of the Board of Directors may be convened by order of the President or by written request of any five members of the said Board addressed to the Secretary. Such meetings may be called by public notice, posted on the bulletin-board of the Exchange, or by service of personal or written notice by the Secretary, or his assistants, upon the members of said Board. A written notice left at the usual place of business of any member of said Board of Directors shall be sufficient notice in case of meetings called by service of personal or written notice.

RULE V.

DUTIES OF THE SECRETARY.

SECTION 1. The Secretary, under the direction and control of the Board of Directors, shall keep a journal of the proceedings of the Exchange; take charge of the seal, books, papers and property belonging to the Exchange. He shall furnish the Chairman of every special committee, a copy of the resolutions whereby such committee shall have been appointed, and, under the direction of the President, he shall give notice of any meetings of the Board of Directors or of the Exchange. He shall conduct the correspondence of the Exchange and read such papers or records as the presiding officer may direct; shall attend the meetings of the Executive Committee, Board of Appeals and Arbitration and of the Board of Directors, and keep an official record of their proceedings, give notice when their services are required, issue the necessary notices and papers to parties and deliver copies of all awards and findings. He shall collect all moneys due the Exchange for assessments, fines, fees or otherwise and pay the same to the Treasurer; shall keep his office open

during the usual business hours; shall see that the rooms and property of the Exchange are kept in good order, and shall perform such other duties as the Board of Directors may from time to time direct.

SEC. 2. It shall be the duty of the Secretary to sign and furnish to all committees appointed by the Board of Directors, official notices of their appointment. Such notices shall specify their duties and the time for which they are appointed.

RULE VI.

DUTIES OF THE TREASURER.

SECTION 1. The Treasurer shall receive from the Secretary all funds belonging to the Exchange and shall disburse the same as the Board of Directors may direct; he shall make a monthly report to the Board of Directors and a full report to the Exchange at its annual meeting each year, of all receipts and disbursements. The accounts of the Treasurer shall be kept in books belonging to the Exchange, which books shall be at all times open for the examination of the Board of Directors or any committee of said Board.

RULE VII.

BOARDS OF APPEALS AND ARBITRATION.

SECTION 1. It shall be the duty of the Board of Arbitration to hear and determine all cases of disputed claims voluntarily submitted for its adjudication by members of the Exchange. All evidence in such cases shall be taken under oath or affirmation, and shall be duly recorded. In all such adjudications the Board shall construe all the Rules, Regulations and By-Laws of the Exchange as being designed to secure justice and equity in trade and all awards or findings shall be

made in conformity therewith and in accordance with the laws of the land.

SEC. 2. Any award or finding of the Board of Arbitration may be appealed from, and the case may be carried to the Board of Appeals for revision: *Provided*, notice of such appeal shall be given to the Secretary in writing within two business days after such award or finding shall be delivered to the parties in controversy.

SEC. 3. It shall be the duty of the Board of Appeals to review such cases as may be appealed from the Board of Arbitration and formally brought before it, and its awards or findings shall be final and binding, and shall not be subject to revision by any other tribunal of the Exchange. The said Board of Appeals shall receive such new evidence as may be offered by oath or affirmation, and if in its judgment evidence is produced which will justify a rehearing of the case by the Board of Arbitration, it shall remand the case to the said Board of Arbitration for a new trial. Any final award or finding of the Board of Appeals shall be based on the record of the Board of Arbitration and shall be made in like manner as prescribed by Section 2 of this rule.

SEC. 4. The Board of Appeals and Board of Arbitration shall render their awards or findings in writing, through the Secretary of the Exchange, within two business days after their decision has been made. Such awards or findings shall be signed by the Chairman of the Board and shall be certified by the Secretary, under the seal of the Exchange. The official records and decisions of these Boards and all other records of the Exchange may be inspected by any member of the Exchange, upon application to the Secretary.

SEC. 5. When, from absence or disqualification of regular members, the Board of Appeals or Board of Arbitration cannot be formed, the parties in controversy shall be allowed to fill vacancies with any mem-

ber or members of the Exchange willing to serve (not being a Director), on whom they may agree, or if such parties are willing to submit their case to a Board of Arbitration they may choose three or more members (willing to serve and not being of the Board of Appeals) whom they may agree upon; such agreement in either case to be communicated to the Secretary in writing, signed by all the parties to the controversy. A majority award or finding of any such Board shall be binding, and any award or finding of Boards thus formed shall be under the same rules and shall have the same effect as if made by the regular Boards respectively.

SEC. 6. Parties desiring the services of either of the foregoing Boards shall notify the Secretary to that effect in writing, and, before the hearing of the case, shall file an agreement with him signed by the parties to the controversy, binding themselves to abide by, perform and fulfil the final award or finding which shall be made touching the matter submitted, without recourse to any other court or tribunal. Any member of a firm or corporation may execute said agreement on behalf of such firm or corporation. Neither party shall postpone the trial of a case longer than five days after it has been submitted, unless good cause can be shown therefor satisfactory to the Board. Trifling and unimportant matters shall not be entertained by the Board of Arbitration.

SEC. 7. If parties to a controversy fail to appear at the time set for trial or request a postponement, they may (if the case be postponed) be assessed with costs by and for the use of the Board, in any sum in the Board's discretion, not exceeding five dollars. The Board, however, may insist that the trial shall take place without postponement.

SEC. 8. When neither of the parties to the contro-

versy is a member of the Exchange, the aforesaid fees may be doubled. Fees and all additional costs that may be incurred in the investigation of suits shall be finally paid by either of the parties in the case as may be decided by the Board hearing the same, and shall be included in its award or finding.

RULE VIII.

MEMBERSHIP.

SECTION 1. Any person of good character and credit and of legal age, whose interests are centered* at the Kansas City Stock Yards, on presenting a written application endorsed by two members of the Exchange, stating name and business avocation of applicant, on deposit of $25 with the Secretary, after ten days' notice of such application shall have been posted upon the bulletin-board of the Exchange, shall be admitted to membership, upon the approval of at least seven affirmative ballot votes of the Board of Directors and upon the payment of an initiation fee of $1,000, or upon the presentation of a certificate of unimpaired or unforfeited membership, duly transferred and signing an agreement to abide by the Rules, Regulations and By-Laws of the Exchange and all amendments that may in due form be made thereto. Any applicant for membership who shall fail to take out a certificate of membership within twenty days after the date of being accepted as above provided, shall forfeit to the Exchange the deposit of $25.

SEC. 2. Each member shall be entitled to receive a certificate of membership bearing the corporate seal of the Exchange and the signature of the President and Secretary. If the member in whose name said certificate stands has paid all assessments due and has against

*An applicant, before he will be accepted by the Board of Directors, must be a resident of Kansas City: *Provided*, a member of a firm doing a commission business at other live stock centers, with a house here, may, upon application, be admitted to membership.

him no outstanding, unadjusted or unsettled claims or contracts, contracted or made with any member of this Exchange subsequent to becoming a member thereof, and said membership is not in any way impaired, it shall, upon the payment of $25, be transferred upon the books of the Exchange to any person eligible to a membership who may be approved by the Board of Directors, after due notice by posting as provided by Section 1 of this rule. A membership of a deceased member may be transferred in like manner by his legal representatives. Prior to the transfer of any membership, application for such transfer shall be posted upon the bulletin-board of the Exchange for at least ten days, when, if no objection be made, it shall be assumed that the member has no outstanding claim against him.

SEC. 3. No member of the Exchange or firm or corporation represented therein, engaged in the commission business, can be carried by another individual, firm or corporation for compensation contingent upon the business done. Each member of this Exchange engaged in the commission business shall register with the Secretary, together with the name of the firm or corporation with which he is connected. No member of this Exchange or firm or corporation represented herein shall do any portion of a commission business for any one not registered as above provided, except on a charge of full commission for such services.

SEC. 4. No firm or corporation engaged in the commission business shall be entitled to the benefits and privileges of this Association unless every member thereof or stockholder therein shall also be a member of this Association:* *Provided*, that the total number of stockholders in a commission firm or corporation holding memberships need not exceed five. Each firm

*Either the principal or agent purchasing hogs on this market, either on orders or for shipment, should be requested to take out a membership in this Exchange (Page 244).

or corporation represented herein shall be required to register with the Secretary the names of all members composing said firm or corporation and all employes.

SEC. 5. Any member of this Exchange who shall hold any stock in any incorporated company for the evasion of any of the intents and purposes of this rule shall, upon investigation by the Board of Directors, be fined not less than $100 nor more than $500.

SEC. 6. On and after December 14, 1894, no certificate of membership shall be allowed to be used except for one firm or corporation.

RULE IX.

COMMISSIONS.

SECTION 1. The commissions charged by members of this Association for selling live stock shall not be less than the following named rates:

SEC. 2. Six dollars per carload for single-deck carloads of hogs* or sheep and ten dollars per carload for double-deck carloads of the same: † *Provided*, members of this Exchange may, after charging commissions as above provided, pay a regular sheep salesman on these yards a sum of money contingent on number of sheep sold; said sheep salesman may be in the employ of other members of the Exchange.

SEC. 3. Fifty cents per head for cattle of all ages. In carloads of twenty-four or more not more than twelve dollars per carload; ten dollars per single-deck carload and eighteen dollars per double-deck carload of veal calves.

SEC. 4. Fifty cents per head for cattle and twenty-five cents per head for calves and ten cents per head

*A car containing thirty-five or more head of hogs, with no other animals among them, calls for $6.00 commission (Page 234)

†When a member of this Exchange, not in the commission business, but a dealer and speculator on the yards, consigns sheep to a commission firm or himself, they cannot be sold by a commission firm for less than the regular commissions provided for in Rule IX (Page 269).

for hogs and sheep, in mixed carloads—but not to exceed twelve dollars per carload. Fifty cents per head for cattle and twenty-five cents per head for calves driven into the yards, and ten cents per head for hogs and sheep for sixty head or less; more than that number shall be charged for at carload rates.*

SEC. 5. Fifty cents per head for buying cattle for stockers or feeders:† *Provided*, such charges shall not exceed twelve dollars per carload; six dollars per single deck carload for buying sheep and ten dollars per double-deck carload.‡ All purchases paid for by a commission house or shipping clearance made by same shall be deemed a purchase and charged for as above provided.§

SEC. 6. Not less than four dollars per single-deck and five dollars per double-deck carload for buying live hogs, and not less than three cents per head for hogs bought by the head.‖

SEC. 7. No member or commission firm or corporation represented herein shall do business for a yard-trader or speculator on this market for less charges than one-half the regular commission.¶ **

SEC. 8. No firm shall handle the business of a non-

*No commission firm shall charge over the maximum commission ($6.00) for selling a number of hogs equal to a carload, whether same are driven into yards or come in mixed carloads (Page 269).

†The rule contemplates charging fifty cents for steers (yearlings or otherwise) driven out into the country and purchased for a customer, no matter how large the number (Page 269).

‡In case where a railroad agrees to furnish double-deck cars, and in place of same furnishes two single-decks, charging double-deck rates, the commission should be for two single-deck cars.

§There is nothing bearing on the subject of commissions to be charged by buyers in making purchases for packing houses (Page 233).

‖Where the seller has weighed hogs to the wrong party a fine shall be imposed on him of 5c per cwt. on hogs so weighed. The seller shall present his ticket to the Secretary of this Exchange, who shall collect said fine and give a receipt therefor; upon receiving this receipt the parties receiving hogs shall mark ticket for payment with price originally agreed upon. The buyer and receiver of said hogs shall each receive one-half the amount (Page 235).

¶Clearing cattle for speculators or yard-traders for less than fifty cents per head or $12.00 per carload, bought on orders, is a violation of Rule IX., Sec. 5.

**A commission firm must, under the rules, charge full commissions on live stock consigned for speculators or yard-traders at any of the markets where it is the custom to divide commissions with regular commission firms.

resident commission house for less than full commissions, except that said consignments be made direct to said non-resident commission house from one of the following named markets: Chicago, Ill.; East St. Louis, Ill.; St. Louis, Mo.; Omaha, Neb.; Wichita, Kan.; Denver, Col.; Pueblo, Col.; St. Joseph, Mo.; Sioux City, Ia.; Peoria, Ill; Milwaukee, Wis., and Ft. Worth, Tex.* †

SEC. 9. No member of this Exchange or firm or corporation represented herein shall cause or allow to be shipped in his or its name any kind of live stock, for the purpose of violating any of the provisions of this rule.

SEC. 10. No agent, solicitor or employe, shall be hired except upon a stipulated salary, not contingent upon commissions earned (save as provided in Section 2 of this rule). No solicitor shall be employed except as a bona fide traveling agent, who shall not solicit consignments local to his own neighborhood only nor to secure his individual trade. Nor shall any agent, solicitor or employe, be hired who is employed by any other party or parties, or who is actively engaged in other business (save as provided in Sec. 2 of this rule). Members of this Exchange must file with the Secretary, within five days of employment, the names and addresses of their solicitors. More than three solicitors shall not be employed at one time by a commission firm or corporation. Members of a commission firm or corporation—resident or non-resident of Kansas City—may travel as solicitors, but must be registered as one of the three allowed each firm or corporation. It shall be a violation of this rule for any solicitor representing or

*This division of commission is entirely optional with the members of this Exchange (Page 232).

†Full commissions shall be charged on all live stock consigned from the markets noted in Section 8, Rule IX., by other than commission firms or commission corporations. Also all live stock to obtain half commissions on this market must be actually unloaded and offered for sale on markets mentioned in Section 8, Rule IX. (Page 259).

claiming to represent, a commission firm or corporation in any other market to solicit for any Kansas City firm; and members shall be held accountable for the acts of any solicitor who, under the guise of soliciting for a branch house, solicits for a Kansas City firm or corporation.

SEC. 11. Any member of this Association or firm or corporation represented herein, sending or causing to be sent a prepaid telegram or telephone message quoting the markets, giving information as to the condition of the same, shall be fined not less than $100 nor more than $500. If said fine be not paid within three days, said firm or member shall be suspended until said fine is paid: *Provided*, however, that prepaid messages may be sent to shippers quoting actual sales of their stock on the day made; also to parties desiring to make purchases on this market.* †

SEC. 12. Any member of this Exchange or firm or corporation in which he may be a partner, violating any of the provisions of this rule, shall be fined not less than $500 nor more than $1,000 for the first offense; if said fine be not paid within three days, said member or firm may be suspended from membership until same is paid. For a second offense, said member or firm may be expelled from membership in the Exchange.

SEC. 13. From such fines and special assessments the Exchange shall pay a reward of $500 to any party or parties furnishing sufficient evidence to convict any member of a violation of any of the provisions of this rule, and said reward shall be paid immediately after conviction.

*It is contrary to the spirit and intent of Rule IX., Sec. 11, and detrimental to the best interests of the trade in general, for any commission firm to allow parties at interior towns to obtain market quotations by telegraph and send copies of same to parties by mail.

†No infringement of the rules of the Exchange for a party, a member of this Exchange, to send out prepaid telegraphic reports of sales made for a customer on this market, and to add the state of the live stock market for that day.

SEC. 14. For the purpose of making effective Section 12 of this rule, when the Treasurer shall not have on hand from fines collected the sum of $500, the Directors shall levy a special assessment, *pro rata*, on each commission firm or corporation buying or selling live stock in this market who is a member of the Exchange, and they shall continue to levy such special assessments in such amounts as will keep a fund of $500 constantly on hand for this purpose. Said fund shall be kept as a special fund and shall be used for no other purpose.

SEC. 15. Each firm or corporation represented in this Exchange shall be held responsible for any violation of this rule by any party doing any portion of a commission business in its name, and any penalty imposed for violation of the foregoing shall be on account of such party; if not paid within three days the firm or corporation doing said business shall sever its business connections with such party within ten days. No firm or corporation shall thereafter do any business for such party until said fine is paid.

RULE X.

ASSESSMENTS.

SECTION 1. The assessments shall be due and payable ten days after levying the same. Any member neglecting to pay the same for thirty days thereafter shall be suspended from the privileges of the Exchange until the same is paid. If not paid within three months his membership shall be declared forfeited to the Exchange and shall be cancelled on the membership books of the Association.

RULE XI.

SPECIAL ELECTION OF OFFICERS.

SECTION 1. If from any cause an election of officers be not had at the regular annual election, the Board of

Directors shall order a special election, notice of which shall be posted for at least three days immediately preceding the date thereof.

RULE XII.

SEAL.

SECTION 1. The Exchange shall have a seal bearing its name and date of organization.

RULE XIII.

QUORUM.

SECTION 1. Fifteen members of the Exchange shall constitute a quorum, but a smaller number shall have power to adjourn.

RULE XIV.

SPECIAL COMMITTEES.

SECTION 1. Special committees may be appointed by the Exchange or by the Board of Directors to such service and in such manner as either may see fit. It shall be the duty of every committee appointed by the Exchange, the President or the Board of Directors, to act promptly when called upon.

RULE XV.

RESPONSIBILITY OF MEMBERS FOR ACTS OF PARTNERS AND EMPLOYES.

SECTION 1. Each member of this Exchange shall be responsible for the acts of his partners and employes for any violation of the Rules, Regulations or By-Laws of this Exchange.

RULE XVI.

LIMITATIONS.

SECTION 1. No member of the Kansas City Live Stock Exchange shall transact any business with any person violating any of the Rules or Regulations of this

Exchange, or an expelled or suspended member, after notice of such violation, suspension or expulsion has been issued by the Secretary or Board of Directors of the Exchange.

RULE XVII.

TRANSPORTATION FUNDS.

SECTION 1. There shall be levied an assessment of four cents on each car of live stock sold by members of this Exchange for the creation and maintenance of a fund to employ requisite agencies for the protection of live stock transportion rates affecting the interests of patrons of this Exchange: *Provided*, that the Kansas City Stock Yards Company shall pay one-half the expense of said agency. Said assessment shall be paid by the commission firm or corporation making sale. The Board of Directors shall be empowered to regulate this assessment whenever in its opinion it shall be necessary, with a maximum assessment of four cents per car.

RULE XVIII.

WHEN RESPONSIBILITY CEASES.

SECTION 1. The responsibility of the seller, as regards inspection of live stock, shall cease on all live stock, sold at these yards, as soon as said live stock shall have been driven from the scale pen.

RULE XIX.

INSPECTORS' CERTIFICATES.

SECTION 1. All inspectors for different cattle associations or individuals at these yards, shall file with the Secretary of this Exchange a certificate of their appointment from their respective associations or owners of stock whom they represent, showing that each inspector is entitled to receive money for brands of certain cattle claimed by them.

RULE XX.

EVASIONS.

SECTION 1. Any evasion of the terms or intent of these rules shall be deemed a violation thereof and shall be visited by the penalties heretofore provided.

RULE XXI.

GUARANTEED PAYMENTS.

SECTION 1. All members of the Association, or firm in which they may be partners, who pay for live stock purchased at these yards by dealers, shall file with the Secretary of the Association a list of the names of all the dealers for whom he or they severally make such payments, and such list shall also embrace a declaration on the part of the party or parties filing the same, in such manner and form as the Board of Directors of the Association may prescribe, to the effect that he or they will pay for all the purchases of live stock made by the party or parties therein named; and after any member of the Association shall have filed such list of names, as above provided, he shall be held responsible for any sum of money which any dealer whose name appears in such list may have agreed to pay to any member of the Association for live stock, until the same shall have been paid in full, or otherwise lawfully settled. *Provided*, the member or firm making such sale shall promptly present a bill of the same at the office of the member or firm who guarantees the payment thereof.

SEC. 2. When any member of the Association or firm in which he may be a partner, shall have determined to cancel the agreement he or they may have made with any dealer to pay for his purchases of live stock, he or they shall first give the Secretary of the Association notice to that effect; and the Secretary shall immediately notify all firms, members of the Associa-

tion, to the same effect, by sending notice thereof upon a form prescribed by the Board of Directors of the Association, to their respective places of business; and the liability of the guarantor in such cases shall cease, when, and only when, all purchases of live stock made by such dealer upon the day of notification and prior thereto, shall have been paid for in full, or otherwise lawfully settled.

SEC. 3. Any member of the Association or firm in which he may be a partner, selling live stock for any dealer, shall return the proceeds of such sale to the member or firm who guarantees the payment of said dealer's purchases.

SEC. 4. The list of names filed with the Secretary of the Association, as provided in Section 1 of this rule, shall be open to the inspection of its members, and to no other person; and the Secretary shall furnish firms for their own use, and for no other purpose, a certified copy of the same, or to individual members, upon application.*†

*There are two blanks for filling out lists of speculators that can be had of the Secretary at any time (Page 263).

†A speculator or yard trader must not buy stock in his own name while trading through a commission house (Page 266).

RULES REGULATING

THE

INSPECTION OF HOGS

AS ADOPTED BY THE DIRECTORS

OF THE

KANSAS CITY LIVE STOCK EXCHANGE.

APPOINTMENT OF THE EXECUTIVE COMMITTEE.

First—There shall be appointed by the Board of Directors on the first Monday in March of each year a committee of seven members for the term of one year, which shall be known as the Executive Committee, to be selected from the Kansas City Live Stock Exchange—three each for the buying and selling interests, and one to be named by and representing the Kansas City Stock Yards Company.

DUTIES OF THE EXECUTIVE COMMITTEE.

Second—It shall be the duty of the members of the Executive Committee to organize by electing one of their number Chairman. Said Committee shall keep a record of its proceedings, which shall be open at all times to the inspection of the members of the said Exchange, and it shall post upon the bulletin-board of the said Exchange all its acts and doings which may be of interest to the members. And it shall be the duty of the said Executive Committee to appoint Inspectors and a Chief Inspector, as hereinafter provided; fix their terms of service and salaries; remove them whenever they, the said Committee, shall deem it for the best interests of this market; prescribe their duties, except in cases where the duties are herein expressly prescribed; assign them to duty; direct their labors generally and prescribe an oath of office to which each Inspector shall subscribe before entering upon his duties. All acts, decisions and instructions of the Executive Committee shall be in force until disapproved by the Board of Directors.

APPOINTMENT OF INSPECTORS.

Third—There shall be one Inspector appointed for and stationed at each hog scale, who shall decide in each instance how many, if any, piggy sows and stags there are in each lot of hogs weighed, and stamp the

number thereof on the scale ticket over his own signature; his decision shall be binding upon the buyer and seller thereof, unless such buyer or seller, or both, choose to appeal to the Chief Inspector as hereinafter provided; in all cases either the buyer or seller, or both, shall have the right to appeal. The Executive Committee shall appoint the Supernumerary Inspector for such length of time as it may deem necessary.

APPOINTMENT OF CHIEF INSPECTOR.

Fourth—The Executive Committee shall also appoint a Chief Inspector, whose duty it shall be to exercise a general supervision of the work of the Inspectors and to see that each hog scale is supplied with an Inspector for the use of the members of this Association, at the beginning of each business day. In case a buyer or seller is dissatisfied at any time with a dock by the Inspector employed by the Association, he may appeal to the Chief Inspector to review the hog or hogs of which the dock is complained, signing a written or printed form of appeal and an agreement to pay on demand one dollar into the treasury of the Exchange for the service. It shall thereupon be the duty of the Chief Inspector to inspect the hog or hogs and to enter his decision on a blank provided for the purpose, which blank shall also bear the Inspector's decision, and from the Chief Inspector's decision there shall be no appeal.*

DOCKAGE.

Fifth—The dockage or shrinkage allowed on all hogs shall be forty pounds for each piggy sow and eighty pounds for each stag, except in cases of lots of hogs averaging 150 pounds or less, which shall be classed as skips and be docked twenty pounds on piggy sows and forty pounds on stags. The Inspector shall dock all sows which show beyond a doubt that the same

*Abusive language towards an employe of the Exchange will not be tolerated by the Board of Directors (Page 236).

are pregnant, and all hogs which show plainly they have been used as boars. In no case shall hogs be subject to dockage because the same are rough or coarse.*

UNMERCHANTABLE.

Sixth—When a load of hogs is brought to the scales and it is found that there are one or more unmerchantable hogs in such load, these unmerchantable hogs shall be thrown out by the Inspector, but the same rules with regard to arbitration as to difference of opinion shall apply in such cases as to all other cases of dockage. The following shall be considered unmerchantable: Very thin or skinny, badly frozen so that the sale of meat is injured; any hogs boily or cut so that meat is injured for sale; crippled hogs (any hog that is unable to walk through the scale lots to the scales and off the scales without assistance; also broken-leg hogs); diseased hogs; badly ruptured (commonly called "bussing") hogs and all boars; any hog that has been castrated so recently that it has not healed shall be considered the same as a boar.†

NON-DOCKABLE HOGS.

Seventh—When hogs are bought by agreement without any dockage the ticket shall be marked "agreed." When hogs are sold otherwise than in the above-mentioned way they shall be docked in accordance with the rules.‡

*Any party or parties giving any information to or attempting to influence government inspectors as to the number of sows or unmerchantable animals in any draft, either going to or after coming off the scales, shall be fined $10.00. Said fine shall be paid forthwith. Until such fine is paid, any party or parties guilty of a violation of above rule shall be debarred from all privileges of inspection.

†Anyone trying to dispose of one or more pregnant sows which have been rejected (except as condemned hogs), shall be fined not less than $10.00 nor more than $100.00; and when sold by weight, ticket must be marked "agreed" by the Inspector.

‡Whenever buyers and sellers agree with reference to throwing out any piggy sows before they have passed the scales they shall be thrown out before weighing of the draft.

DISBURSEMENTS.

Eighth—The fund raised to defray the expense of inspection shall be disbursed only upon vouchers setting forth in the minutest manner for what the money is paid, and all other particulars essential to a good and sufficient voucher, receipted by the person in whose favor they are made or his legal representative, and approved by the Chairman and Secretary. When, and only when, such vouchers are presented, it shall be the duty of the Treasurer to pay the same. It shall also be the duty of the Treasurer to make and submit a statement of the receipts and disbursements, accompanied by vouchers as aforesaid, whenever requested to do so by the Directors. It shall be the duty of the Treasurer to turn over to his successor in office all of the said fund remaining in his possession, taking therefor a voucher as aforesaid.

REVENUE—FROM WHOM COLLECTED.

Ninth—In order to defray the expenses of said system of inspection, there shall be a charge of fifteen cents on each car of hogs, which shall be charged to the owner thereof.

AGREEMENT.

Tenth—No member of this Association, or firm or corporation represented herein, shall either buy or sell hogs except in conformity with these rules.

BY-LAWS.

ARTICLE I.

STATED MEETINGS—ORDER OF PROCEEDINGS.

At all general or stated meetings of the Exchange or Board of Directors, the following shall be the order of business:

Call to order.

Reading of minutes of previous meeting (which may be dispensed with).

Hearing reports.

Unfinished business.

New business.

Adjournment.

ARTICLE II.

BUSINESS OF SPECIAL MEETINGS.

At all special meetings of the Exchange or Board of Directors, only such special business shall be considered as was expressly embraced in the call of such meeting, except by unanimous consent.

ARTICLE III.

QUESTION OF ORDER—APPEALS.

The presiding officer shall judge of all questions of order and proceedings, and when the rules of the Exchange or of parliamentary order are infringed upon, he may call any member to order. A member may appeal to the Exchange on any question of parliamentary proceeding not provided by the Rules and By-Laws of the Exchange or by a special order, and, if seconded on such appeal, a majority of the members present shall decide the question at issue.

ARTICLE IV.

LIMITATIONS UPON DEBATE.

Every member who speaks shall rise and address the President, and no person shall speak more than twice upon the same subject, except by way of explanation, if objection is made thereto, unless permitted to proceed by a majority of those present.

ARTICLE V.

ON DEBATES.

When any member requires it, any one offering a motion shall put the same in writing. No debate shall be permitted except on a motion regularly made and seconded. A member, however, shall not be prevented from prefacing with explanatory remarks any motion he may be about to make.

ARTICLE VI.

AMENDMENTS.

A question may be modified by a motion to amend, either by adding words or by striking out certain words and inserting others, or by substituting a different motion on the same subject, or by dividing the question into two or more questions which shall be specified in the motion. When this motion to amend has been made, seconded and stated by the Chairman, it takes the place for the time being of the original question, and debate must be confined to its merits. This amendment can itself be amended, but the amendment of an amendment cannot be amended.

ARTICLE VII.

INTERRUPTIONS AND PRIVILEGED QUESTIONS.

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the

previous question, to postpone to a certain day, to commit, to amend, or to postpone indefinitely. Which several motions shall have precedence in the order in which they are named and such motions shall preclude amendment or decision of the original questions until they are disposed of. Any motion to postpone to a certain day, to commit, or to postpone indefinitely, being decided shall not be again allowed on the same day. Any other motion once acted upon shall not again be revived except by a vote to reconsider, and a motion to reconsider shall not be entertained except at the same or the next meeting after the former action, and then only when made by a member who was absent or who voted with the majority.

ARTICLE VIII.

MOTIONS NOT DEBATABLE.

A motion to adjourn, to lay upon the table or to indefinitely postpone, shall not be debatable.

ARTICLE IX.

APPLICATION OF RULES OF ORDER.

All questions of order or proceedings provided for by the Rules and By-Laws shall be held to govern the Exchange and the Board of Directors.

ARTICLE X.

RULES AND BY-LAWS—HOW ALTERED OR AMENDED.

None of the foregoing Rules or By-Laws shall be rescinded or altered, nor shall any new Rules, Regulations or By-Laws be adopted unless by an affirmative ballot vote of a majority of the members present at a regular or called meeting of the exchange, and after notice of the proposed change shall have been conspicuously posted on the bulletin-board of the Exchange for at least ten days immediately preceding. No prop-

osition to amend the Rules, Regulations or By-Laws shall be acted upon by the Exchange unless it has previously to being posted as above, been approved by a majority of the Board of Directors at a regular meeting of said Board, or has been proposed in writing by at least ten members, or until such proposition shall have been submitted to a regular or special meeting of the Exchange for discussion, at least one day previous to final action thereon, at which meeting the proposition may be amended or modified in any way that is germane to its original intent ; except that the Board of Directors shall have full power to change or adopt any rules for the inspection of hogs or the dockage of the same, as it may deem advisable from time to time to be for the best interests of the Kansas City Live Stock Exchange.

MEMBERS OF THE
KANSAS CITY LIVE STOCK EXCHANGE,

APRIL 1, 1896.

No. of Certificate.	NAME.	No. of Certificate.	NAME.	No. of Certificate.	NAME.
146*a*	Abbott, H. C.	22	Cox, R. E.	204*a*	Gann, G. J.
38*a*	Abbott, Reuben.	35*a*	Crane, S. L.	40*a*	Garrett, C. S.
223*a*	Adair, J. F.	279	Crider, C. P.	53	Garrett, J. E.
113*a*	Adams, J. W.	134	Crider, Zeb. F.	101*a*	Gaylord, I. B.
126	Allen, L. A.	176*a*	Crowley, Jere.	98	Gillespie, A. J.
162*a*	Anderson, J. C.	177*a*	Crowley, J. B.	101	Gillespie, J. F.
230*a*	Andrews, L. B.	226	Crum, S. G.	100	Gillespie, L. J.
60	Armour, K. B.			99	Gillespie, T. E.
59	Armour, S. B.	56*a*	Daniels, C. T.	58*a*	Grant, W. F.
183	Atchison, Wm.	194*a*	Davis, C. A.	218*a*	Gray, J. W. T.
		83	Dick, James.	59*a*	Greer, J. E.
105*a*	Baker, H. M.	261	Dixon, Charles.	221	Greer, N. B.
16	Baker, W. C. M.	163*a*	Dixon, C. G.	246*a*	Gunn, L. A.
35	Baldwin, B. F.	39	Dobyns, J. D.		
40	Baldwin, C. P.	68*a*	Doerr, G. W.	157	Hale, J. E.
79	Baldwin, I. J.	82	Dold, J. C.	291	Hall, G. T.
258	Barnes, I. S.	27*a*	Dorsett, H. B.	105	Hall, J. C.
31	Barse, G. R.	190*a*	Dorsey, J. S.	148*a*	Hall, W. W.
247	Bass, R. T.	92*a*	Drumm, Andrew.	277	Hannah, W. S.
86	Beggs, A. E.	84*a*	Duke, R. H.	245	Harrington, J. H.
231*a*	Bell, G. T.	233*a*	Duncan, B. M.	212*a*	Harris, P. H.
206*a*	Benson, Wells.	193*a*	Dyer, E. W.	111*a*	Henderson, Alex.
132*a*	Bishop, F. W.			3	Henrici, W. C.
225*a*	Black, C. W.	82*a*	Eaman, T. J.	216*a*	Holmes, George.
234*a*	Blair, J. A.	116*a*	Egan, L. M.	122*a*	Hopkins, Henry.
61	Bolen, G. W.	292	Ecton, G. T.	131*a*	Howard, C. H.
143*a*	Booth, C. J.	96*a*	Edgecomb, E. F.	213	Hunt, A. B.
178*a*	Boswell, E. R.	145*a*	Ehrke, Fred.	296	Huston, W. F.
108	Brinkerhoff, J. O.	113	Elmore, Wm.	92*a*	Hutton, T. S.
223	Bridgeford, C. G.	15	Emmert, J. P.	215	Hyre, D. N.
197*a*	Brooking, S. L.	274	Epperson, A. J.		
236*a*	Brooks, D. B.	25	Epperson, Wm.	298	Inman, J. N.
159*a*	Brown, Hamer.	6*a*	Evans, A. G.	178	Irwin, S. D.
63	Burnside, S. G.	138*a*	Eubank, J. D.	124	Irwin, J. N.
		94*a*	Ewart, W. J.	217*a*	Isaacson, A.
24*a*	Cable, M. M.				
129*a*	Caldwell, J. H.	165*a*	Farmer, T. F.	42	Jackman, N. T.
121*a*	Campbell, G. B.	191*a*	Felt, S. D.	13*a*	Jardon, F. X.
106	Campbell, G. W.	250	Finn, P. H.	124*a*	Johnston, I. M.
252	Campbell, R. K.	235*a*	Firebaugh, J. W.	196*a*	Jones, G. E.
139*a*	Campbell, S. W.	110	Fish, F. O.	297	Jones, L. S.
87	Canon, C. R.	29*a*	Flato, F. W., Jr.	83*a*	Jones, S. F.
255	Carroll, M. W.	272	Fleming, J. A.		
66*a*	Cassidy, A. C.	26*a*	Fletcher, M. T.	109	Keck, G. O.
67*a*	Cassidy, W. L.	56	Fletcher, W. F.	281	Keeney, G. W.
48	Child, H. P.	173*a*	Forest, W. H.	246	Keeney, I. N.
172*a*	Clay, John, Jr.	136*a*	Forsha, F. A.	119	Keeney, James.
126*a*	Clawson, G. W.	202	Fosrer, G. W.	128*a*	Kelly, Thomas.
146	Clotfelter, J. H.	102	Fowler, G. A.	177	Kendricks, W. L.
168	Cole, J. E.	38*a*	Frew, Charles.	137	Keys, C. M.
14*a*	Comstock, R. L.	243	Frew, LaFayette.	118	Keys, Isaac.
114	Cooper, Frank.			119*a*	Kiely, J. T.

No. of Certificate.	NAME.
76	Kirk, E. F.
69	Knollin, A. J.
164*a*	Knopp, Louis.
34	Ladd, T. E.
249	Ladd, W. L.
155*a*	Lane, H. H.
207	Larimer, W. H. H.
21	Larmon, J. E.
106*a*	Lazarus, Sam'l.
81*a*	Lee, T. B.
94*a*	Leigh, Chas.
259	Lennon, L. A.
195*a*	Lincoln, H. S.
198*a*	Lowenstein, E.
220*a*	Lusk, L.
55	Martin, J. W.
84*a*	Martin, L. T.
185*a*	McAlister, W. B.
120	McCoy, F. W.
68	McCoy, J. C.
254	McCoy, Woodson.
181*a*	McDonald, T. F.
240	McIntosh, J. S.
219*a*	McMurray, J. P.
6	Means, C. G.
8	Means, C. H.
7	Means, W. W.
44*a*	Megredy, J. T.
133*a*	Miller, A. A.
208*a*	Miller, W. O.
226*a*	Mills, C. I.
64*a*	Mills, F. O.
23	Mitchener, F. B.
228*a*	Moffett, F. S.
229*a*	Moffett, John.
265	Montgomery, P.
42	Moore, W. F.
46	Morse, C. F.
30*a*	Mustion, A. T.
164	Neff, J. H.
25*a*	Nichols, G. N.
130*a*	Noel, W. A
133	Nute, G H.
263	Nutter, L. O.
112	Offutt, H. C.
71*a*	Offutt, R. T.
96	Olander, J. W.
78*a*	Parlin, E. M.
240*a*	Parrott, P. W.
242*a*	Patterson, H. B.
29*a*	Patteson, H. L.
289	Patton, T. B.
66	Payne, J. H.
90	Payne, J. N.
32	Pieronnet, C. A.
253	Pieronnet, R. R.
64	Penny, A. W.
4*a*	Peters, Clay.
127	Peters, M. S.
91*a*	Peters, O. C.
227*a*	Peters, S. D.
209	Pierson, G. H.
224*a*	Pierson, W. E.
299	Prigg, R. H.
116	Reed, Gilman.
229	Reed, H. N.
57	Reid, W. J.
13	Rial, S. T.
215*a*	Rice, D. R.
185	Rice, M. W.
211	Rickes, E. J.
47	Richardson, E. E.
192*a*	Riddels, R. A.
270	Roberts, G. R. T.
167*a*	Robinson, C. O.
24	Rogers W. A.
159	Rust, Eugene.
147*a*	Ryan, R. W.
176	Salisbury, John.
200*a*	Sanders, G. W.
201*a*	Sawtell, W. H.
273	Scaling, Samuel.
156	Schulz, F. W.
81	Schwartz, W. M.
288	Scovill, E. T.
280	Scroggin, J C.
182	Scruggs, M. D.
222*a*	Shaeffer, C. A.
241*a*	Sherwood, Jesse
134*a*	Shirley, C. H.
207*a*	Shoemaker, T. C.
237	Siegel, Frank.
43*a*	Simcock, J. H.
222	Smith, E. M.
5*a*	Snider, A. J.
220	Snider, C. A.
75	Southee, J. K.
188	Sparrow H. M.
268	Sparrow, W. N.
166*a*	Staley, Madison.
239*a*	Standish, J. I.
172	St. Clair, M. W.
213*a*	Steele, C. C.
186*a*	Steele, Michael.
17	Stephens, James.
242*a*	Stewart, M. K.
21*a*	Stockwell, G. W.
150*a*	Stoller, C. F.
149*a*	Stoller, F. R.
138	Stoller, J. R.
18	Straight, H. L.
175*a*	Swazey, E. L.
284	Sweeney, J. M.
119	Swift, E. F.
224	Tamblyn, W. L.
1*a*	Talbot, E. E.
189	Taylor, J. F.
295	Taylor, W. H.
45	Thesis, Henry.
212	Timmons, T. F.
208	Tinkham, W. P.
160*a*	Titsworth, J. P.
2	Tower, H. B.
153*a*	Tracy, R. M.
248*a*	Trowbridge, E. E.
285	Trower, Harry.
286	Trower, O. B.
287	Trower, S. R.
150	Trower, Thomas.
122	Underwood, D. S.
128	Verner, M. J.
260	Viglini, T. D.
244*a*	Voorhees, W. P.
1	Waite, J. H.
168*a*	Waite, J. F.
7*a*	Walden, G. M.
180*a*	Walker, S. R.
203*a*	Wallingford, H. E.
83	Ward, J. A.
11	Welch, B. L.
209*a*	Welch, J. A.
245*a*	Welheuer, F. W.
127*a*	Wells, R. N.
210	Westfall, G. W.
130	White, L. E.
38	White, R C.
110*a*	Wilhite, J. R.
187*a*	Wilson, Erasmus.
115*a*	Winder, William.
187	Wise, R. H.
111	Woodbury, R. P.
48*a*	Woods, S. P.
5	Worden, James.
125*a*	Wornell, F. C.
67	Wright, William.

a New Series Certificates.

In Memoriam.

HARRY DENNISON. Died October 19, 1886,
Aged 31 Years.

CHARLES EDWARD HOLMES. Died December 1, 1886,
Aged 28 Years.

SANFORD COLLINS ABBEY. Died December 7, 1886,
Aged 54 Years.

JEREMIAH P. HEALY. Died December 6, 1887,
Aged 29 Years.

WILLIAM SEDGWICK BIRD. Died June 15, 1888,
Aged 39 Years.

MARION BALL CUSTER. Died April 19, 1889,
Aged 46 Years.

JOHN F. GREGORY. Died September 5, 1889,
Aged 50 Years.

ANDREW JACKSON McCOY. Died October 17, 1890,
Aged 59 Years.

MARTIN LUTHER SARGENT. Died December 7, 1891,
Aged 54 Years.

THOMAS TROWER. Died August 31, 1892,
Aged 63 Years.

HENRY P. BALDWIN. Died September 14, 1892,
Aged 73 Years.

THOMAS GEORGE INMAN. Died September 26, 1893,
Aged 48 Years.

THOMAS CANDY COLE. Died November 26, 1893,
Aged 72 Years.

ALBERT GALLATIN EVANS. Died December 23, 1894,
Aged 62 Years.

JOHN RANDALL ROUSE. Died February 16, 1895,
Aged 48 Years.

EUGENE WILEY DYER. Died April 14, 1895,
Aged 26 Years.

NATHANIEL ALANSON ADAMS. Died May 2, 1895,
Aged 59 Years.

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COPY BOUND CLOSE IN CENTER

TWENTY-SIXTH ANNUAL

LIVE STOCK REPORT

OF THE

KANSAS CITY STOCK YARDS CO.

FOR THE

Year Ending December 31, 1896,

AND

SUMMARY FOR YEARS 1871-1896.

...BY...

E. E. RICHARDSON, SECRETARY,

KANSAS CITY.

RECEIPTS AND SHIPMENTS

OF

LIVE STOCK

AT

Kansas City Stock Yards,

KANSAS CITY,

FOR THE YEAR 1896.

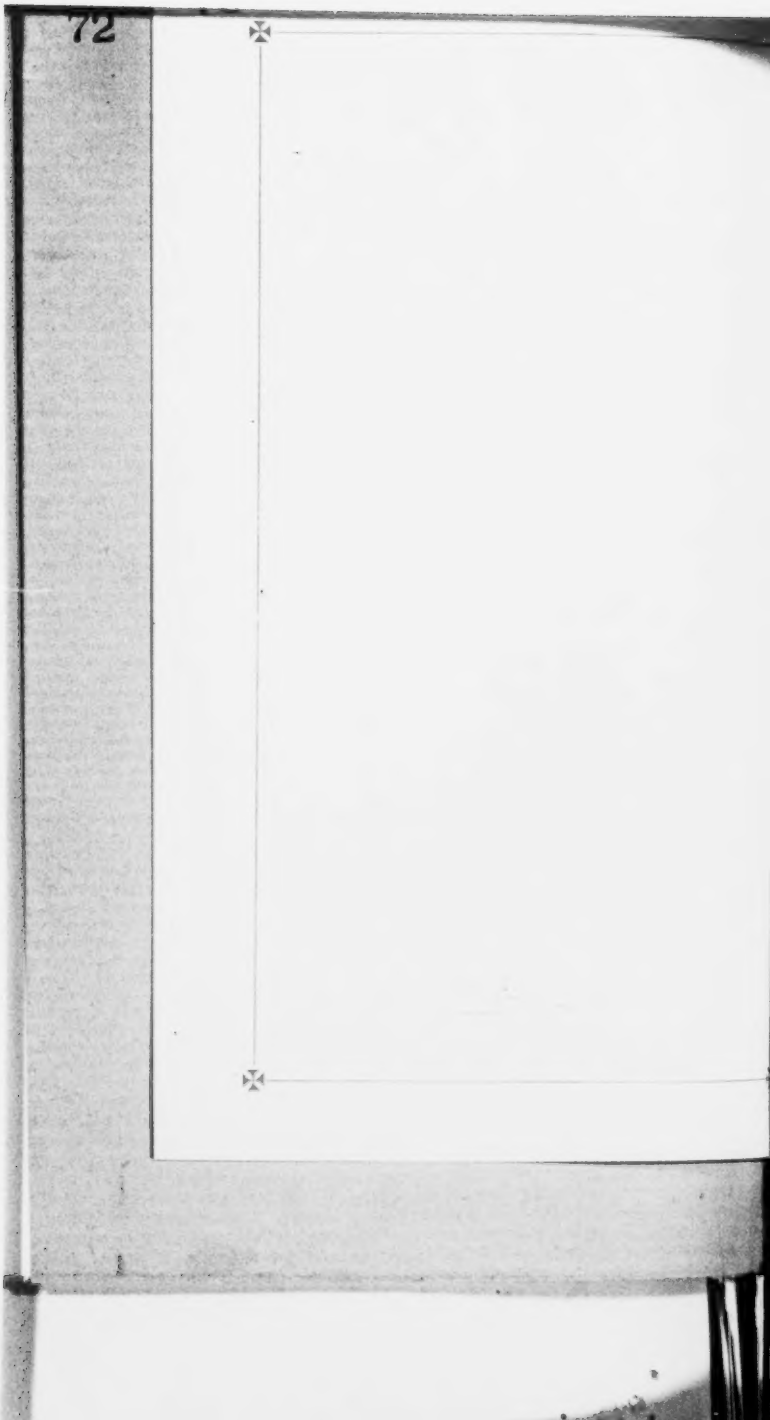
With a Summary of Receipts and Shipments of all Live Stock for a Term of Twenty-six Years, Ending December 31, 1896.

BY

E. E. RICHARDSON, SECRETARY,

KANSAS CITY.

KANSAS CITY, MO.
TIERNAN-HAVENS PRINTING COMPANY.
1897.



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Total Receipts for the Year.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	123103	2401	262369	52886	11939	9904
February..	104944	1748	183519	73499	9265	8047
March	105928	3598	187688	95191	6112	8122
April	90742	2345	252887	113215	2928	8314
May	105542	2270	269743	99600	3144	8988
June.....	106782	8958	267389	72189	1388	8735
July	127922	13735	172915	59211	1400	8086
August ...	157686	14741	136361	53708	1995	8634
September.	229945	16209	158874	109960	3703	11808
October...	212189	12292	212849	88911	5215	11463
November.	181233	10076	193420	98825	5397	10178
December.	168516	11793	307561	75931	5362	11335
Total..	1714532	100166	2605575	993126	57847	113594

Total Yearly Receipts.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	120827	.....	41036	4527	809	6623
1872.....	236802	.....	104639	6071	2648	13110
1873.....	227689	.....	221815	5975	4202	14603
1874.....	207080	.....	212532	8855	3679	13370
1875.....	174754	.....	63350	25327	2646	9082
1876.....	183378	.....	153777	55045	5839	11692
1877.....	215768	.....	192645	42190	4279	13968
1878.....	175344	.....	427777	36700	10796	16581
1879.....	211415	.....	588908	61684	15829	20702
1880.....	244709	.....	676477	50611	14086	22704
1881.....	285863	.....	1014304	79924	12592	29089
1882.....	439671	.....	963036	80724	11716	34668
1883.....	460780	.....	1379401	119665	19860	45470
1884.....	533526	.....	1723586	237964	27163	55927
1885.....	506627	.....	2358718	221801	24506	63213
1886.....	490971	.....	2264484	172659	33188	58924
1887.....	669224	.....	2423262	209956	29690	67752
1888.....	1056086	.....	2008984	351050	27650	74666
1889.....	1220343	.....	2073910	370772	34563	83972
1890.....	1472229	76568	2865171	535869	37118	108160
1891.....	1270917	76570	2599109	386760	31740	91456
1892.....	1479078	92077	2397477	438268	32505	97462
1893.....	1660807	86021	1948373	569517	35097	99755
1894.....	1689193	83352	2547077	589555	44237	107494
1895.....	1613454	76198	2457697	864713	52607	103368
1896.....	1714532	100166	2605575	993126	57847	113594
Total..	18561067	590952	36313120	6519308	576392	1376708

Total Shipped and Driven Out for Year.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	121934	2395	262164	53594	11741	3022
February..	105914	1763	184138	73116	9147	2762
March	104334	3621	186264	90615	6019	2422
April.....	92851	1941	253291	118136	3259	2161
May	105126	2406	269041	100956	3061	2754
June.....	106916	8764	266985	70643	1451	2369
July	127583	14038	174032	61249	1364	2660
August....	156806	14705	136861	52331	1885	3815
September.	223230	15523	158254	107272	3701	5470
October...	221406	12962	213772	90725	5324	4423
November.	176329	10065	192581	99198	5240	3834
December.	171907	12101	307459	71585	5518	4319
Total..	1714336	100284	2604842	989420	57710	40011

Total Yearly Shipments and Driven Out.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	120794	.....	40102	4527	809	5125
1872	236799	.....	104399	6071	2648	10683
1873.....	227666	.....	220574	5951	4202	10044
1874.....	207069	.....	212714	8877	3685	10879
1875.....	174211	.....	63096	25310	2635	7036
1876	183256	.....	153180	54829	5321	7131
1877.....	215771	.....	193204	42333	4296	7366
1878.....	177549	.....	426355	37012	10794	9483
1879.....	211361	.....	589794	61157	15826	12741
1880.....	244281	.....	676848	51004	14090	12874
1881.....	286134	.....	1015447	79848	12604	14382
1882.....	439521	.....	961906	80708	11607	19698
1883.....	460598	....	1379005	119180	19869	24662
1884.....	533992	.....	1724287	237214	27092	32056
1885.....	506577	.....	2359027	223088	24656	33452
1886.....	490906	.....	2264323	172397	33098	27050
1887.....	669062	.....	2423546	209491	29618	31489
1888.....	1055547	.....	2009250	351796	27739	33213
1889.....	1219395	.....	2073314	369878	34485	36803
1890.....	1472853	76713	2863354	535207	37134	50704
1891.....	1272249	76580	2601109	387912	31783	39508
1892.....	1477741	92156	2396737	438139	32432	42621
1893.....	1661247	85968	1948457	569277	34891	39366
1894.....	1687274	83256	2547588	589359	44153	39210
1895.....	1613123	75923	2457167	863100	52655	34056
1896.....	1714336	100284	2604842	989420	57710	40011
Total..	18557312	590880	36309625	6513085	575832	631643

Receipts for the Year by Railroads.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	121071	2067	259002	51173	5971	9904
February .	103535	1447	180855	71553	4900	8087
March	104327	2985	184377	94138	3505	8122
April.....	89615	2033	249533	112729	1394	8314
May	104017	2047	265503	98050	1753	8988
June.....	105782	8751	261967	70580	860	8735
July	126935	13388	169229	57491	869	8086
August....	156798	14490	133752	52210	1401	8624
September.	229105	15836	155014	109301	1945	11808
October...	210729	11987	207671	86869	3038	11463
November.	178629	9727	188431	97993	3218	10178
December.	165937	11495	300872	73238	2917	11335
Total..	1696430	96253	2556206	975325	31771	113594

Yearly Receipts by Railroads.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	115160	.....	40454	1691	618	6623
1872.....	248646	.....	101334	4739	1772	13110
1873.....	205870	.....	208528	2551	1950	14603
1874	184216	.....	197854	7041	1942	13870
1875.....	153378	.....	56526	20381	1168	9063
1876.....	165101	.....	140049	45850	3036	11682
1877.....	197133	.....	178872	32551	2788	13358
1878.....	160062	.....	400587	28356	6701	16583
1879.....	197859	.....	562042	48276	9634	20702
1880.....	233268	.....	644282	41208	7891	22704
1881.....	273036	.....	967154	72742	7815	29089
1882.....	425233	.....	941552	71194	8131	34668
1883.....	442023	.....	1356489	105067	10344	45470
1884.....	518402	.....	1697445	217656	15744	53227
1885.....	492429	.....	2327297	201104	16034	63213
1886.....	478088	.....	2231083	160674	22192	58924
1887.....	656617	.....	2397874	200137	21271	67732
1888.....	1040625	.....	1991106	343781	19511	74666
1889	1205003	.....	2053540	344923	24314	83972
1890.....	1453470	74686	2837629	504939	24738	108160
1891.....	1250800	74731	2572361	362308	22687	91456
1892.....	1463903	89892	2375642	428339	23432	97462
1893.....	1648027	83739	1925379	556528	22087	99737
1894.....	1673771	79945	2512988	574224	27071	107498
1895.....	1596445	71980	2420570	847901	29833	106368
1896	1696430	96253	2556206	975325	31771	113594
Total..	18144995	571226	35694843	6199486	364475	1376708

Shipments for the Year by Railroads.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	54564	781	26274	8571	6173	3022
February .	48824	593	29781	23056	4994	2762
March	45088	2216	15129	22517	3215	2422
April.....	35655	601	34236	33698	1755	2161
May	41943	766	52349	31039	1657	2754
June.....	41318	1566	35231	24236	948	2369
July	52697	1421	38375	15171	963	2660
August....	79912	4571	45008	17365	1278	3815
September.	122294	7252	34260	42070	2400	5470
October...	102873	5823	27767	30817	3222	4423
November.	92504	6069	4108	29121	3240	3834
December .	102127	10294	9181	26032	3318	4319
Total..	819799	41953	341699	303693	33163	40011

Yearly Shipments by Railroads.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	100481	.....	1397	3883	508	5125
1872	206467	.....	8593	5411	2308	10683
1873.....	182245	.....	33610	4288	3747	10044
1874.....	166519	.....	114569	6976	3299	10879
1875.....	126262	.....	15790	17742	2524	7036
1876.....	120340	.....	26264	22460	5080	7131
1877.....	126570	.....	15973	28329	3951	7366
1878.....	131761	.....	91671	30483	9329	9483
1879.....	155831	.....	208851	47782	13783	12741
1880.....	194421	.....	152920	36285	11227	12874
1881.....	223989	.....	195524	61078	10056	14382
1882.....	359012	.....	191325	52652	9319	19698
1883.....	387598	.....	313879	61979	10466	24662
1884.....	443001	.....	590133	105973	14945	32056
1885.....	402381	.....	801162	115755	16253	33452
1886.....	370350	.....	538005	83234	25088	27050
1887.....	483372	.....	524492	103126	21352	31489
1888.....	682622	.....	413937	169932	19889	33213
1889.....	744510	.....	331434	174851	24567	36803
1890	923552	55851	558227	336207	25481	50704
1891.....	739093	38975	605457	178271	23958	39508
1892.....	801016	40900	591623	219230	22120	42621
1893.....	761576	28847	520694	196892	21394	39366
1894.....	764592	33130	496804	196061	26942	39210
1895.....	719704	28368	286340	287294	29214	34056
1896.....	819799	41953	341699	303693	33163	40011
Total..	11137064	268024	7970373	2849867	389963	631643

Total for Year by Roads.

RECEIPTS.

RAILROADS	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
H & St J..	11109	103	60797	7340	544	145
Wabash...	2988	317	12679	1368	842	37
Mo Pac....	259867	10823	535376	95883	5644	1994
Union Pac.	117192	1562	209895	149499	5304	948
K C F S & M	78637	2371	244428	48362	2441	733
KCStJ&CB	53862	1417	211980	26589	3807	593
AT&SF-WD	68295	43948	583870	491974	5073	3808
C & A.....	10309	245	65253	4975	1077	152
CRI&P-ED	3571	427	3368	2561	297	24
CRI&P-WD	189093	9526	270088	85151	3098	1230
C M & St P	28608	3698	33289	13016	518	167
K C N W..	18979	350	56247	521	1671	177
AT&SF-ED	5068	30	16254	2059	197	50
K C O & S.	18694	273	38779	4649	272	138
M K & T..	179691	17915	150470	32778	509	984
K C P & G	25627	1368	56184	7053	113	185
C Gt W ...	10108	1880	7249	1547	364	50
K C S B...	76	.....	.....	.....	.....	...
KC&IAL	.....	.....	.....	.....	.....	...
Total..	1696430	96253	2556206	975825	31771	11859

SHIPMENTS.

RAILROADS	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
H & St J..	44637	1619	32612	24343	215	219
Wabash...	87750	5938	74368	47602	10153	491
Mo Pac....	103830	6168	505	36228	3346	387
Union Pac.	50083	3518	.....	6626	93	177
K C F S & M	8943	989	.....	3699	10064	74
KCStJ&CB	105151	1326	9100	24516	95	423
AT&SF WD	53511	5253	21983	11019	2102	246
C & A.....	159744	1647	43143	4820	591	899
CRI&P-ED	22869	3832	6913	31535	109	112
CRI&P-WD	21975	5247	8	469	188	29
C M & St P.	52331	2040	101916	37182	35	340
K C N W..	13257	1077	.....	3215	3	48
AT&SF-ED	65077	1111	25867	57492	1105	344
K C O & S.	7135	565	.....	1555	27	57
M K & T..	10306	423	11539	855	4958	74
K C P & G	4893	579	.....	628	69	18
C Gt W....	8307	621	13685	11909	10	46
K C S B...	.....	.....	.....	.....	.....	...
KC&IAL	.....	.....	.....	.....	.....	...
Total..	819799	41953	341699	303693	33163	4001

Receipts of Cars for Years 1895 and 1896.

RAILROADS	1895	1896	Increase	Decrease
Hannibal & St. Joe	1546	1458	.....	88
Wabash	499	377	.....	122
Missouri Pacific	18782	19942	1160	.....
Union Pacific	8437	9488	1051	.....
K. C., Ft. Scott & Memphis	6630	7234	604	.....
K.C., St. J. & Council Bluffs	6942	5959	.....	983
Atch. Top. & S. F.–W. D.	30443	38008	7565	.....
Chicago & Alton	1699	1521	.....	178
Chicago, R. I. & P.–E. D.	444	242	.....	202
Chicago, R. I. & P.–W. D.	11048	12306	1258	.....
Chicago, Mil. & St. Paul	1811	1673	.....	138
Kansas City Northwestern	1783	1770	.....	13
Atch. Top. & S. F.–E. D.	684	504	.....	180
K. C., Osceola & Southern	1598	1384	.....	214
Missouri, Kansas & Texas	8980	9345	365	.....
K. C., Pittsburg & Gulf	1642	1878	236	.....
Chicago Great Western	390	502	112	.....
K. C. Suburban Belt	10	3	.....	7
K. C. & Ind. Air Line	.....	.....	.....	.....
Total	103368	113594	10226	.....

Shipments of Cars for Years 1895 and 1896.

RAILROADS	1895	1896	Increase	Decrease
Hannibal & St. Joe	2473	2191	.....	282
Wabash	4705	4912	207	.....
Missouri Pacific	4053	3974	.....	79
Union Pacific	1183	1776	593	.....
K. C., Ft. Scott & Memphis	1042	749	.....	293
K.C., St. J. & Council Bluffs	1806	4253	2447	.....
Atch. Top. & S. F.–W. D.	2181	2316	135	.....
Chicago & Alton	7526	8942	1416	.....
Chicago, R. I. & P.–E. D.	1061	1123	62	.....
Chicago, R. I. & P.–W. D.	474	791	317	.....
Chicago, Mil. & St. Paul	2288	3401	1113	.....
Kansas City Northwestern	242	481	239	.....
Atch. Top. & S. F.–E. D.	3336	3447	111	.....
K. C., Osceola & Southern	433	271	.....	162
Missouri, Kansas & Texas	684	740	56	.....
K. C., Pittsburg & Gulf	362	183	.....	179
Chicago Great Western	206	461	255	.....
K. C. Suburban Belt	1	.....	.....	1
K. C. & Ind. Air Line	.....	.....	.....	.....
Total	34056	40011	5955	.....

Driven Into Yards.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules
January	2032	334	3367	1713	5968
February	1409	301	2664	1946	4367
March	1601	613	3311	1053	2607
April	1127	312	3354	486	1534
May	1525	223	4240	1550	1390
June	1050	207	5422	1609	528
July	987	347	3686	1720	531
August	888	251	2609	1498	594
September	840	373	3860	659	1758
October	1460	305	5178	2042	2177
November	2604	349	4989	832	2179
December	2579	298	6689	2693	2445
Total	18102	3913	49369	17801	26076

Total Driven Into Yards Yearly.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules
1871	5667	.....	582	2836	191
1872	18156	.....	3305	1332	876
1873	21819	.....	13287	3424	2252
1874	22864	.....	14678	1814	1737
1875	21376	.....	6824	4946	1478
1876	18277	.....	13728	9195	2303
1877	18635	.....	13773	9639	1491
1878	15282	.....	27190	8344	4095
1879	13556	.....	26866	13408	6195
1880	11441	.....	32195	9403	6195
1881	12827	.....	47150	7182	4777
1882	14438	.....	21484	9530	3585
1883	18757	.....	22912	14598	9516
1884	15124	.....	26141	20308	11419
1885	14198	.....	31421	20697	8472
1886	12883	.....	33401	11985	10996
1887	12607	.....	25388	9819	8419
1888	15461	.....	17878	7269	8139
1889	15340	.....	20370	25849	10249
1890	18759	1882	27542	30930	12389
1891	20117	1839	26748	24452	9053
1892	15175	2185	21835	9929	9073
1893	12780	2282	22994	12989	13010
1894	15422	3407	34089	15331	17166
1895	17009	4218	37127	16812	22774
1896	18102	3913	49369	17801	26076
Total	416072	19726	618277	319822	211917

Driven Out of Yards.

FOR PACKERS' AND CITY USE.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules
January	67370	1614	235890	45023	5568
February	57090	1170	154357	50060	4153
March	59246	1405	171135	68098	2804
April	57196	1340	219055	84438	1504
May	63183	1640	216692	69917	1404
June	65598	7198	231754	46407	503
July	74886	12617	135657	46078	401
August	76894	10134	91853	34966	607
September	100936	8271	123994	65202	1301
October	118533	7139	196005	59908	2102
November	83825	3996	188473	70077	2000
December	69780	1807	298278	45553	2200
Total	894537	58331	2263143	685727	24547

Total Driven Out of Yards Yearly.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules
1871	20313	.....	38705	644	301
1872	30332	.....	95806	660	340
1873	45421	.....	186964	1663	455
1874	40550	.....	98145	1901	386
1875	47949	.....	47306	7568	111
1876	62916	.....	126916	32369	241
1877	89201	.....	177231	14004	345
1878	43788	.....	334684	6529	1465
1879	55530	.....	380943	13375	2043
1880	49860	.....	523928	14719	2863
1881	62145	.....	819923	18770	2548
1882	80509	.....	770581	28056	2288
1883	73000	.....	1065126	57201	9403
1884	90991	.....	1134154	131241	12147
1885	104196	.....	1557865	107333	8403
1886	120556	.....	1726318	89163	8010
1887	185690	.....	1899054	106365	8266
1888	372925	.....	1595313	181864	7850
1889	474885	.....	1741880	195027	9918
1890	549301	20862	2305127	199000	11653
1891	533156	37605	1995652	209641	7825
1892	676725	51256	1805114	218909	10312
1893	899671	57121	1427763	372385	13497
1894	922682	50126	2050784	393298	17211
1895	893419	47555	2170827	575806	23441
1896	894537	58331	2263143	685727	24547
Total	7420248	322856	28339252	3663218	185869

Hannibal & St. Joseph R. R.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	896	4	6447	927	70	1
February	912	3	2803	696	68	1
March	887	6	2662	.....	60	1
April	883	5	4339	434	65	1
May	999	6	3533	821	46	1
June.....	792	7	6628	1501	.....	1
July	804	2	5086	893	18	1
August....	783	1	4106	427	83	1
September.	980	3	3881	204	37	1
October...	698	61	5694	174	23	1
November.	1406	2	5993	653	49	1
December.	1069	3	9625	619	25	1
Total..	11109	103	60797	7340	544	14

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	194	.....	15516	917	138	3
1872.....	393	.....	35097	521	569	7
1873.....	602	.....	50981	494	364	10
1874.....	645	.....	23256	427	359	7
1875.....	608	.....	12388	1307	235	3
1876.....	750	.....	14754	3154	292	3
1877.....	521	.....	16943	366	424	3
1878.....	414	.....	16693	2601	1174	4
1879.....	2258	.....	10989	2412	1410	4
1880.....	1096	.....	18396	944	863	4
1881.....	2026	.....	20837	4810	299	7
1882.....	3818	.....	29087	6375	199	7
1883.....	6576	.....	39912	4926	444	9
1884.....	4399	.....	36918	5734	1000	8
1885.....	2583	.....	31694	5353	739	7
1886.....	2165	.....	48492	2545	1002	9
1887.....	3111	.....	42533	3182	1204	9
1888.....	6399	.....	53211	2793	207	11
1889.....	8386	.....	57903	4028	277	12
1890.....	10648	194	78425	4251	318	16
1891.....	10404	138	73696	6005	159	15
1892.....	9075	149	45972	5472	363	10
1893.....	9035	206	34590	6683	349	10
1894.....	12095	119	51709	10630	981	14
1895.....	9791	118	70244	9627	683	13
1896.....	11109	103	60797	7340	544	14
Total..	119051	1027	991133	102897	14536	228

Hannibal & St. Joseph R. R.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	6412	1	1506	1480	.....	330
February..	837	1	7221	2512	41	107
March	1279	.....	5597	484	43	114
April	1195	46	7786	1267	14	133
May	668	19	1663	2544	17	55
June.....	846	125	724	1508	.....	46
July	1438	224	2146	643	.....	80
August....	4620	274	1186	2200	13	197
September.	8806	252	1618	2181	31	352
October...	6609	388	3165	2012	10	285
November.	6222	289	.....	5265	.....	270
December.	5705	.....	.....	2247	46	222
Total...	44637	1619	32612	24343	215	2191

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	49278	.....	100	.....	37	2468
1872.....	86687	.....	1115	100	270	4373
1873.....	73953	.....	2316	617	248	3765
1874.....	55833	.....	27045	364	368	3358
1875.....	39595	.....	1652	1436	298	2109
1876.....	31446	.....	5585	2453	224	1732
1877.....	15674	.....	458	2954	99	848
1878.....	34908	.....	15173	8832	68	2191
1879.....	44364	.....	20392	9597	124	2815
1880.....	41673	.....	11723	536	141	2318
1881.....	65940	.....	13687	3916	364	3328
1882.....	97419	.....	10960	5017	479	4725
1883.....	99679	.....	2922	2325	430	5170
1884.....	91934	.....	33051	3970	258	5216
1885.....	84845	.....	22889	9136	388	4593
1886.....	73359	.....	21607	7966	274	4050
1887.....	118482	.....	6773	7344	531	5772
1888.....	105230	.....	2114	10477	835	4735
1889.....	96844	.....	48574	6775	1142	5355
1890.....	128403	8301	94998	13958	1021	7465
1891.....	74465	10878	44593	36939	842	3800
1892.....	108949	6127	85927	51151	959	5651
1893.....	75772	1204	71767	9826	307	3785
1894.....	80266	2816	54995	19101	281	4108
1895.....	48870	2297	25523	37059	590	2473
1896.....	44637	1619	32612	24343	215	2191
Total..	1868505	33242	658551	276192	10793	98394

The Wabash Railroad.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	298	5	1582	519	232	53
February	172	.....	700	22	192	28
March	509	3	833	.....	56	38
April	338	5	1565	.....	61	43
May	210	.....	1201	.....	68	31
June	209	2	950	27	21	24
July	115	.....	826	79	.....	19
August	256	1	445	202	66	25
September	130	.....	697	152	54	19
October	214	1	847	195	26	26
November	80	81	1076	.....	24	22
December	457	219	1957	172	42	49
Total	2988	317	12679	1368	842	377

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	222	.....	1106	64	72	38
1872	283	.....	1383	79	220	54
1873	896	.....	595	100	299	73
1874	1069	.....	1062	330	224	91
1875	1966	.....	2877	3787	62	202
1876	505	.....	708	1194	462	102
1877	774	.....	1408	560	467	142
1878	656	.....	1362	352	2687	287
1879	814	.....	3557	3968	3042	385
1880	1371	.....	4147	4909	1664	267
1881	1647	.....	8614	4720	1113	321
1882	4591	.....	7375	2959	334	333
1883	9967	.....	15138	2441	575	697
1884	4721	.....	10638	2672	892	447
1885	1820	.....	8289	1089	876	314
1886	2449	.....	20877	2399	1336	540
1887	3185	.....	21545	1777	716	568
1888	5030	.....	25404	2638	195	658
1889	2328	.....	17982	2761	486	417
1890	2626	70	20182	1939	504	442
1891	2858	36	20698	983	217	459
1892	2844	53	16474	1528	444	407
1893	2844	33	10704	1116	344	316
1894	4493	118	12722	4692	534	450
1895	2874	57	21693	4382	645	498
1896	2988	317	12679	1368	842	377
Total	65821	684	269219	54807	19252	8910

The Wabash Railroad.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	4864	.....	1793	1489	2559	326
February..	3863	88	8627	5019	1247	316
March	3820	318	2590	8765	661	251
April....	5070	5	8811	7338	317	333
May	6538	92	6118	1724	505	403
June.....	5706	549	8585	517	455	326
July	9032	340	13770	843	382	487
August....	13487	1666	10115	2087	579	653
September.	14795	927	10230	12136	790	788
October...	8182	783	3220	2543	982	428
November.	5753	524	365	1959	903	284
December.	6640	646	144	3182	773	317
Total..	87750	5938	74368	47602	10153	4912

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	26308	.....	147	919	140	1336
1872.....	87529	.....	2464	3017	315	4477
1873.....	82674	.....	19271	817	1831	4630
1874.....	59813	.....	42699	1992	1026	3924
1875.....	61580	.....	4430	1707	1107	3249
1876.....	68536	.....	14002	4552	553	3844
1877.....	81001	.....	5894	6687	572	4428
1878.....	63684	.....	42180	9439	420	4212
1879.....	33477	.....	88196	5341	363	3203
1880.....	19160	.....	34730	1817	519	1484
1881.....	31942	.....	35914	2842	600	2105
1882.....	61899	.....	66535	5435	758	3845
1883.....	73380	.....	53219	12062	1085	4563
1884.....	89351	.....	148848	26581	863	7044
1885.....	62519	.....	244839	23371	490	7059
1886.....	47029	.....	195089	21139	1649	5062
1887.....	97224	.....	238489	13484	2547	7963
1888.....	36185	.....	178261	13086	2360	3151
1889.....	55890	.....	62347	22742	7468	3195
1890.....	43440	2980	130516	37646	5544	3335
1891.....	65706	5971	248234	19837	4678	4896
1892.....	63056	12496	267176	14501	4277	5032
1893.....	100381	8677	181889	7236	3780	6346
1894.....	76000	9897	161161	3960	3280	5160
1895.....	84673	11868	88310	28179	7339	4705
1896.....	87750	5938	74368	47602	10153	4912
Total..	1660187	57827	2629208	335991	63717	113160

Missouri Pacific Railway.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	20328	292	51735	8758	1083	1826
February .	16785	170	38185	7062	882	1472
March	18045	854	37034	6594	711	1503
April.....	18066	448	52329	7810	189	1661
May	19838	302	58212	5896	328	1815
June.....	21655	1488	57410	2437	183	1897
July	24808	816	37910	6107	66	1648
August....	26040	1634	28631	9335	199	1571
September.	23424	1126	32909	14637	479	1567
October...	24857	1233	42058	10993	588	1655
November.	20089	896	39022	11648	572	1458
December.	25932	1564	59941	4906	364	1959
Total..	259867	10823	535376	95883	5644	19942

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	281	.....	9505	58	79	210
1872.....	27073	.....	20496	841	520	1862
1873.....	2000	.....	30933	480	320	743
1874.....	2135	.....	14096	2067	418	430
1875.....	1738	.....	4708	2637	172	221
1876.....	3139	.....	16844	4847	1572	650
1877.....	6115	.....	24622	2344	1268	924
1878.....	5494	.....	54136	3100	1428	1499
1879.....	10383	.....	32872	2289	2953	1874
1880.....	11618	.....	83228	5947	1656	2056
1881.....	20858	.....	318150	16700	2885	6160
1882.....	30692	.....	313668	8475	3271	6079
1883.....	43785	.....	419354	16031	4386	9513
1884.....	56909	.....	521898	33416	7025	11798
1885.....	51931	.....	675349	32309	7487	13776
1886.....	63507	.....	621576	25154	11895	13116
1887.....	100791	.....	793125	51354	8776	16790
1888.....	190346	.....	592711	53456	5150	17082
1889.....	210187	.....	557810	41765	3915	17996
1890.....	244022	5301	737317	24885	4065	21891
1891.....	214068	8785	728976	48967	2929	19713
1892.....	246063	12696	596621	72461	3586	19471
1893.....	258318	7355	468406	47404	3715	18348
1894.....	257419	7834	563481	53748	5428	19343
1895.....	265225	11296	519721	91636	5718	18792
1896.....	259867	10823	535376	95883	5644	19942
Total..	2583964	64090	9254979	738254	96261	276888

Missouri Pacific Railway.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	5124	230	.....	192	719	219
February .	6984	100	49	136	604	283
March	4994	670	.....	886	367	196
April.....	3416	147	.....	815	166	130
May	4655	194	516	9488	79	231
June.....	6550	357	.....	8363	138	272
July	5217	368	.....	1458	61	195
August....	11300	350	.....	2071	103	398
September.	15637	787	.....	2247	136	567
October...	12864	909	.....	5080	378	502
November.	13484	418	.....	714	298	481
December .	13605	1638	.....	4778	297	500
Total..	103830	6168	565	36228	3346	3974

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	22905	.....	805	860	28	1173
1872.....	24710	.....	2781	510	249	1310
1873.....	16142	.....	10533	700	500	1054
1874.....	42445	.....	25397	1555	625	2682
1875.....	16328	.....	4659	3452	364	968
1876.....	12477	.....	5224	3782	584	786
1877.....	16967	.....	8195	9753	211	1110
1878.....	24201	.....	28879	4830	510	1835
1879.....	25580	.....	61829	11713	1598	2577
1880.....	27289	.....	17242	7378	2021	1729
1881.....	20405	.....	48004	12944	2240	2008
1882.....	27664	.....	12232	18687	2253	1674
1883.....	26879	.....	10453	20808	3362	1784
1884.....	31974	.....	5415	15299	4793	1686
1885... ...	35891	.....	26719	21868	5483	2447
1886.....	46819	.....	7043	11636	8171	2713
1887.....	38221	.....	2091	26885	6057	2113
1888.....	36159	.....	4102	12608	3690	1709
1889.....	40936	.....	15932	11390	3396	2075
1890.....	53565	2066	2732	46137	5008	2543
1891.....	58597	1133	5877	7792	4505	2561
1892.....	43691	2312	2659	11162	3844	1969
1893.....	48801	1454	2927	9204	2027	2043
1894.	86390	2580	9336	12280	4803	3520
1895.....	107630	3983	1260	22262	3271	4053
1896.....	103830	6168	565	36228	3346	3974
Total..	1036496	19696	322891	341723	72939	54096

Union Pacific Railway.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	13004	111	24498	7667	754	1069
February..	7543	46	17449	21030	686	77
March	6790	55	17272	24589	498	735
April	7679	47	21624	8914	273	736
May	9185	82	21081	425	255	761
June.....	6166	47	24760	4139	174	692
July	7223	47	13835	2427	363	573
August....	10175	262	8600	9172	487	630
September.	13359	365	11369	25545	351	881
October...	12527	370	14635	13406	408	836
November.	11992	55	13125	20941	583	847
December.	11549	75	21647	11244	472	922
Total..	117192	1562	209895	149499	5304	9488

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	84597	.....	6204	544	152	4309
1872.....	135963	.....	13038	2054	324	7089
1873.....	153134	.....	28095	903	536	8254
1874.....	123935	.....	43391	2782	566	7149
1875.....	81348	.....	2419	7944	473	4229
1876.....	72225	.....	17986	10578	241	4133
1877.....	80111	.....	28200	9115	218	4804
1878.....	58695	.....	61124	9638	128	4367
1879.....	54429	.....	127810	7217	193	5064
1880.....	33507	.....	129856	4340	263	3925
1881.....	44512	.....	146702	8164	368	4669
1882.....	33108	.....	108266	5055	302	3400
1883.....	45601	.....	162036	17038	588	5510
1884.....	63253	.....	228355	37860	857	7821
1885.....	71057	.....	341126	35346	768	9790
1886.....	82740	.....	345421	34612	933	10148
1887.....	114156	.....	408953	50963	1976	12284
1888.....	86200	.....	180110	64590	3267	7079
1889.....	91438	.....	191404	87407	5666	7986
1890.....	138672	3055	295420	89964	5315	11385
1891.....	107607	2183	233406	83036	9061	8819
1892.....	138469	3745	261341	80729	8853	10775
1893.....	141874	3747	190993	73844	6716	9771
1894.....	146217	2905	260190	103028	5762	10768
1895.....	121832	2899	201271	79285	4716	8497
1896.....	117192	1562	209895	149499	5304	9488
Total..	2421872	20096	4223012	1055535	63646	191284

Union Pacific Railway.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	2244	60	.....	.....	9	78
February	2067	126	.....	.....	7	80
March	2770	304	.....	.....	12	98
April.	1790	170	.....	.....	3	59
May	1058	62	.....	.....	.....	37
June	1176	.....	.....	.....	.....	34
July	860	.....	.....	366	.....	29
August	813	.....	.....	258	.....	27
September.	7611	346	.....	477	17	275
October	10354	1063	.....	954	35	379
November.	9599	305	.....	4155	.....	347
December.	9741	1082	.....	416	10	333
Total..	50083	3518	.....	6626	93	1776

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	338	.....	287	2104	258	60
1872	1913	.....	1323	1775	1240	210
1873	1169	.....	1217	1768	926	154
1874	2754	.....	2492	2194	850	259
1875	1163	.....	2073	6879	535	206
1876	1302	.....	866	7577	2012	276
1877	786	.....	750	7476	1392	243
1878	1311	.....	1142	2687	3300	383
1879	2587	.....	4758	5949	5711	643
1880	4419	.....	3730	4791	3548	555
1881	3577	.....	1411	5375	1946	329
1882	8329	.....	358	5020	527	384
1883	19362	.....	1507	2923	770	757
1884	16739	.....	214	2019	1453	747
1885	19765	.....	220	1436	1816	943
1886	18081	.....	830	1396	2547	959
1887	10109	.....	257	2118	1852	579
1888	9602	.....	126	2691	1247	485
1889	15548	.....	361	830	478	679
1890	19089	609	.....	1581	211	751
1891	21803	110	659	.....	89	823
1892	28854	542	181	1275	465	1123
1893	26033	459	92	3861	264	990
1894	29474	257	75	2569	153	1054
1895	33335	491	.....	4832	48	1183
1896	50083	3518	.....	6626	93	1776
Total..	347525	5986	24929	87752	33731	16551

Kansas City, Ft. Scott & Memphis R. R.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	7317	138	23393	6337	443	734
February .	7729	92	18081	4122	392	672
March	6412	166	18204	3617	192	586
April	8052	133	24287	1030	111	732
May	8989	149	29579	1418	121	834
June.....	5179	102	22303	5239	88	598
July	4146	79	16372	7527	62	485
August....	4467	70	11561	5488	56	399
September.	5654	280	12437	2605	110	422
October...	6340	197	18414	3261	222	510
November.	6462	303	16822	2388	334	487
December.	7890	662	32975	5330	310	775
Total..	78637	2371	244428	48362	2441	7234

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	20325	.....	1732	23	89	1057
1872.....	25744	.....	18885	541	104	1676
1873.....	19795	.....	47249	448	144	1948
1874.....	14708	.....	52723	98	119	1798
1875.....	12730	.....	7842	1166	55	810
1876.....	13344	.....	28766	1917	44	1281
1877.....	10466	.....	31825	997	50	1160
1878.....	12384	.....	62023	1267	109	1711
1879.....	18821	.....	81213	3080	254	2258
1880.....	17721	.....	91434	3608	326	2314
1881.....	19047	.....	109098	7225	565	2623
1882.....	20970	.....	59687	2046	532	1924
1883.....	29605	.....	113464	8550	610	3377
1884.....	33469	.....	142995	8348	792	3874
1885.....	33614	.....	178975	6814	689	4475
1886.....	44232	.....	233787	9680	826	5599
1887.....	38430	.....	162487	7254	988	4396
1888.....	59488	.....	171551	10504	1285	5257
1889.....	73565	.....	216300	14961	1703	6774
1890.....	76809	765	241994	14284	1592	7241
1891.....	55542	909	234980	19471	910	5947
1892.....	64447	2704	222340	25878	1589	6009
1893.....	65504	1788	166104	26105	1217	5416
1894.....	63740	2344	189379	36076	1082	5745
1895.....	67810	1984	217175	58775	2147	6630
1896.....	78637	2371	244428	48362	2441	7234
Total.	990947	12865	3328436	317478	20262	98582

Kansas City, Ft. Scott & Memphis R. R.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	738	.....	.....	241	1428	85
February	643	1	.....	518	1770	99
March	467	51	.....	.....	762	48
April	349	106	.....	.....	442	34
May	99	105	.....	.....	357	23
June	176	1	.....	126	94	12
July	271	2	.....	.....	311	22
August	703	.....	.....	420	351	40
September	1717	146	.....	1328	803	106
October	1313	176	.....	287	1113	90
November	1041	193	.....	393	1280	88
December	1426	208	.....	386	1353	102
Total	8943	989	.....	3699	10064	749

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	338	.....	.....	.....	30	19
1872	2	.....	.....	.....	.....	.....
1873	414	.....	28	248	155	34
1874	430	.....	276	378	29	33
1875	517	.....	1628	865	38	71
1876	534	.....	90	1045	36	33
1877	1580	.....	65	.....	44	66
1878	670	.....	.....	1128	4	41
1879	177	.....	653	594	152	40
1880	1616	.....	59	1634	79	84
1881	1419	.....	897	770	196	100
1882	1471	.....	575	.....	120	78
1883	4721	.....	1219	406	211	240
1884	7303	.....	17	1748	916	384
1885	6555	.....	209	1887	1077	363
1886	5618	.....	1167	559	781	311
1887	5771	.....	790	859	1220	318
1888	8246	.....	393	1794	2467	450
1889	12418	.....	133	5388	3478	671
1890	13471	263	832	2412	5334	759
1891	8631	356	7203	1958	7791	747
1892	6246	532	87	3114	4775	480
1893	6898	163	876	4968	6528	603
1894	12697	514	1280	8437	7304	853
1895	20923	553	272	12924	4974	1042
1896	8943	989	.....	3699	10064	749
Total	137609	3370	18749	56815	57803	8569

Kansas City, St. J. & C. B. R. R.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	7095	232	21929	3733	631	703
February..	6178	184	10596	7000	706	504
March	6757	167	12302	6878	773	577
April.....	5570	91	17587	1645	222	550
May	4913	41	12760	2049	283	458
June.....	3937	29	17602	733	89	472
July	2200	56	16068	318	108	357
August....	3090	32	19101	.....	38	422
September.	3455	283	20282	853	91	466
October...	3695	59	19547	1693	297	452
November.	2952	98	17289	455	192	391
December.	4020	145	26917	1232	377	607
Total..	53862	1417	211980	26589	3807	5959

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	1	.....	4989	.....	1	100
1872.....	438	.....	5233	196	12	130
1873.....	142	.....	22789	.....	163	471
1874.....	363	.....	14257	371	48	310
1875.....	327	.....	16769	260	37	356
1876.....	351	.....	17895	1259	129	388
1877.....	2465	.....	16855	747	63	471
1878.....	2852	.....	32614	298	325	884
1879.....	1966	.....	14644	2270	603	452
1880.....	1041	.....	23135	625	386	516
1881.....	1940	.....	62099	508	191	1136
1882.....	5198	.....	145713	249	257	2448
1883.....	14889	.....	235077	7699	405	4507
1884	10546	.....	242783	6303	1103	4403
1885.....	9032	.....	365322	7665	816	6217
1886.....	8540	.....	307406	8242	1198	5277
1887.....	10203	.....	285040	10589	852	4790
1888.....	12193	.....	178256	7174	279	3280
1889.....	21406	.....	198670	5130	911	4196
1890.....	47989	712	279288	9487	1556	6413
1891.....	34071	406	174610	12983	1658	4228
1892.....	47804	879	220285	2915	1377	5561
1893.....	52536	853	127786	6791	1586	4472
1894.....	105603	4114	236402	17262	3838	8079
1895.....	93478	4855	211902	21861	3662	6942
1896.....	53862	1417	211980	26589	3807	5959
Total..	539236	13237	3651799	157473	25263	81916

Kansas City, St. J. & C. B. R. R.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	2096	.....	527	124	30	98
February	3125	9	.....	86	30	135
March	2503	.....	.....	487	2	108
April	1931	.....	1987	1026	1	114
May	2180	.....	5943	2830	11	166
June	3330	.....	643	3034	.....	160
July	6480	92	.....	751	.....	256
August	9762	80	.....	2613	4	403
September	21357	349	.....	1913	.....	832
October	16092	272	.....	2558	.....	625
November	17323	280	.....	3388	.....	652
December	18972	244	.....	5706	17	704
Total	105151	1326	9100	24516	95	4253

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	1064	.....	.....	.....	9	54
1872	5454	.....	742	.....	218	300
1873	7357	.....	163	.....	79	375
1874	5087	.....	16660	.....	395	609
1875	6461	.....	359	940	82	346
1876	5208	.....	178	267	758	302
1877	9315	.....	484	579	765	525
1878	5141	.....	3582	936	651	375
1879	11334	.....	20605	2320	1560	948
1880	7466	.....	42671	41	1241	1085
1881	5926	.....	7339	4209	741	385
1882	4125	.....	39	672	1382	233
1883	5693	.....	2529	265	637	299
1884	14330	.....	3067	688	921	622
1885	24609	.....	1756	992	872	1078
1886	43376	.....	7173	3512	2848	1997
1887	28538	.....	11894	6684	1310	1346
1888	32725	.....	4069	10443	703	1407
1889	32798	.....	2460	12919	421	1382
1890	26554	2525	4126	12226	314	1205
1891	34787	1607	3270	7504	371	1483
1892	39747	635	43433	15619	448	2040
1893	56571	382	64161	13117	269	2842
1894	40294	504	63633	9314	188	2063
1895	40848	89	17228	13823	110	1806
1896	105151	1326	9100	24516	95	4253
Total	599959	7068	330721	141586	17388	29360

Atchison, Topeka & Santa Fe R. R.—W. D.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	37541	360	59857	14840	828	2703
February .	28159	161	42300	22756	718	2088
March ...	28364	249	44903	40666	281	2165
April	23101	198	61165	65972	100	2827
May	28071	532	69285	69841	172	2506
June.....	29133	3383	65510	34489	97	2258
July	45829	7725	33395	30738	201	2459
August....	75840	8497	24689	18989	214	3439
September.	126404	8135	33215	57689	343	5555
October...	114143	5777	46129	52401	790	5159
November.	87331	4784	42417	50838	816	4159
December.	59035	4147	61005	32755	513	3310
Total..	682951	43948	583870	491974	5073	38008

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	1948	.....	671	.....	.....	119
1875.....	34400	.....	1486	2587	73	1781
1876.....	52503	.....	18592	21480	158	3076
1877.....	73094	.....	24388	16839	84	4191
1878.....	52399	.....	69116	6091	749	4065
1879.....	74849	.....	165627	25014	582	6813
1880.....	85834	.....	154488	11193	1186	7012
1881.....	121571	.....	145280	14804	1346	8249
1882.....	207574	.....	145151	31163	1802	12161
1883.....	177651	.....	178753	26798	1720	12012
1884.....	243561	.....	242842	78007	2197	16361
1885.....	176388	.....	343201	71849	2455	14718
1886.....	151791	.....	349396	61695	1718	13669
1887.....	263394	.....	384842	50154	3824	17787
1888.....	534916	.....	374151	156495	5985	27813
1889.....	596278	.....	368354	146029	7732	30182
1890.....	615605	45053	459612	257869	5433	34623
1891.....	516262	43607	475892	117744	3365	28764
1892.....	614971	51412	410339	133242	2880	30950
1893.....	696768	45585	435243	252392	3687	35174
1894.....	618663	40923	528228	206085	3118	32444
1895.....	557184	23789	524164	320917	3276	30443
1896.....	682951	43948	583870	491974	5073	38008
Total..	7150655	294317	6383686	2500421	58443	409778

Atchison, Topeka & Santa Fe R. R.—W. D.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	3445	123	2554	.....	392	178
February..	5729	70	1704	.....	322	238
March	4623	94	1137	257	352	186
April.....	3882	73	801	1284	104	147
May	3435	2	3127	1103	162	175
June.....	1325	12	3178	147	47	96
July	1820	7	1200	1011	40	88
August....	1611	103	3004	5	17	98
September	4573	768	954	1245	101	193
October...	8662	560	2554	817	118	345
November.	6408	1001	.....	2920	235	245
December.	7998	2440	1770	2230	212	327
Total..	53511	5253	21983	11019	2102	2316

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	39	.....	200	2463	91	39
1876.....	526	.....	284	1804	888	129
1877.....	679	.....	100	860	838	112
1878.....	1444	.....	531	2271	3897	386
1879.....	1841	.....	20	3459	4151	435
1880.....	4671	.....	2376	7999	2798	490
1881.....	8904	.....	5247	8677	2613	631
1882.....	15914	.....	5795	3365	1270	735
1883.....	32382	.....	4138	2414	1823	1283
1884.....	20443	.....	1421	1208	3152	959
1885.....	12759	.....	74	461	3611	788
1886.....	10704	.....	100	1033	5193	776
1887.....	9104	.....	6288	1634	4236	759
1888.....	22200	.....	765	3710	935	981
1889.....	34357	.....	1117	8792	802	1470
1890.....	34622	870	22315	10552	816	1816
1891.....	27477	658	18245	2160	639	1340
1892.....	35940	233	5396	5005	1706	1564
1893.....	39871	1357	1387	14335	2438	1686
1894.....	56873	2239	1785	8976	2615	2228
1895.....	55760	2115	4553	14579	4332	2181
1896.....	53511	5253	21983	11019	2102	2316
Total..	480021	12725	104120	116776	50946	23104

Chicago & Alton R. R.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	777	32	6095	828	359	150
February..	737	15	3546	75	262	105
March	961	23	4566	102	162	122
April	1085	37	5404	221	18	139
May	1551	31	6589	148	154	179
June.....	962	18	5311	991	17	130
July	913	9	5396	507	.....	123
August....	672	2	2432	437	.....	74
September.	660	7	3479	56	38	89
October...	378	12	6582	137	.....	109
November.	760	40	6013	697	31	123
December.	853	19	9840	776	36	188
Total..	10309	245	65253	4975	1077	1521

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	394	.....	2287	939	351	96
1880.....	2380	.....	6160	835	381	251
1881.....	3832	.....	13530	4540	346	417
1882.....	6000	.....	13892	2380	359	482
1883.....	6177	.....	26676	3178	521	780
1884.....	6625	.....	29478	2585	714	809
1885.....	3323	.....	22597	3224	1031	617
1886.....	3828	.....	32338	3744	1829	802
1887.....	3561	.....	38513	3080	1457	845
1888.....	8098	.....	56419	4713	338	1235
1889.....	9067	.....	66250	5275	269	1385
1890.....	8002	294	65474	3642	767	1348
1891.....	10341	186	58731	4269	560	1382
1892.....	7646	399	48107	4841	874	1105
1893.....	8159	402	41746	6262	762	1077
1894.....	12180	391	63906	7054	958	1643
1895.....	10979	334	69514	8113	2082	1609
1896.....	10309	245	65253	4975	1077	1521
Total..	120901	2251	720871	73649	14676	17494

Chicago & Alton R. R.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	12604	61	546	401	192	715
February..	8669	21	4182	845	111	537
March	10174	2	1621	.....	71	611
April	12853	.....	1072	194	9	776
May	15359	50	.....	.....	7	921
June.....	15770	93	2171	127	15	921
July	13138	86	8087	122	12	759
August....	16518	317	8421	165	72	931
September.	18252	599	9691	1881	.....	985
October...	14620	41	6199	688	28	726
November.	11361	111	191	135	26	530
December.	10426	266	962	262	48	530
Total..	159744	1647	43143	4820	591	8942

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	36036	.....	12365	3609	46	2008
1880.....	75186	.....	35321	6449	329	4311
1881.....	62036	.....	79196	11461	761	4252
1882.....	105459	.....	94290	12132	1369	6298
1883.....	94394	.....	235739	17118	1395	9056
1884.....	117411	.....	383232	51408	1078	12617
1885.....	115714	.....	499350	37501	898	13940
1886.....	106402	.....	291901	32236	810	9856
1887.....	140069	.....	189010	39503	2039	9810
1888.....	185701	.....	192778	87611	4710	9533
1889.....	110389	.....	114877	65596	4240	5683
1890	99289	15145	95168	92430	3001	6288
1891.....	85765	4024	107024	13557	2473	4902
1892.....	88594	9645	66715	14563	1896	4888
1893.....	131050	565	21693	12456	985	6071
1894.....	118388	6438	35172	5346	754	5896
1895.....	144869	2310	42477	10070	439	7526
1896.....	159744	1647	43143	4820	591	8942
Total..	1976496	39774	2539451	517866	27814	131877

Chicago, Rock Island & Pacific Ry.—E. D.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	230	98	419	323	30	2
February..	608	8	26	142	.....	2
March	463	9	789	213	20	3
April.....	325	.....	112	.....	38	1
May	533	2	110	566	51	2
June.....	96	.....	192	236	14	1
July	94	.....	137	242	.....	1
August....	213	2	321	144	.....	1
September.	249	106	194	.....	.....	1
October...	132	.....	339	100	22	1
November.	346	134	136	.....	44	2
December.	282	68	593	595	78	2
Total..	3571	427	3368	2561	297	24

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871... ...	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	585	.....	425	6809	428	11
1881.....	1103	.....	3431	3357	238	13
1882.....	3294	.....	8347	3717	153	24
1883.....	13433	.....	10469	933	389	59
1884.....	6576	.....	3731	646	902	36
1885.....	1584	.....	1085	169	827	13
1886.....	1864	.....	24311	1121	736	49
1887.....	1603	.....	10566	692	604	27
1888.....	1972	.....	10289	1486	576	28
1889.....	1972	.....	16213	371	216	31
1890.....	4891	105	25321	534	223	54
1891.....	4228	103	14825	103	191	38
1892.....	2091	53	3569	343	246	15
1893.....	1212	32	1012	1048	162	9
1894.....	4659	95	5883	2972	859	37
1895.....	7791	162	5331	3997	608	44
1896	3571	427	3368	2561	297	24
Total..	62429	977	148176	30859	7655	517

Chicago, Rock Island & Pacific Ry.—E. D.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	687	.....	.....	273	.....	28
February .	501	.....	543	2428	17	37
March	2696	.....	1679	4737	.....	162
April	176	.....	.....	2427	20	15
May	964	.....	.....	126	7	42
June.....	980	247	.....	1602	.....	54
July	1423	166	1113	2160	.....	70
August....	2515	1188	1523	2624	.....	135
September.	5432	757	2055	5366	15	247
October...	3733	508	.....	2034	29	153
November.	1901	742	.....	5144	1	94
December.	1861	224	.....	2614	20	86
Total..	22869	3832	6913	31535	109	1123

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	12139	.....	5068	1250	71	717
1881.....	21449	.....	3829	3118	514	1099
1882.....	30251	.....	.....	104	771	1435
1883.....	21251	.....	419	3145	423	1106
1884.....	45272	.....	14322	2445	721	2393
1885.....	36513	.....	5106	19010	801	2058
1886.....	16404	.....	13095	3411	1336	1119
1887.....	31950	.....	68661	3854	1154	2631
1888.....	32299	.....	3620	2051	1178	1504
1889.....	53824	.....	.....	7259	599	2499
1890.....	22788	340	622	17949	665	1105
1891.....	18452	161	93	15004	405	849
1892.....	26313	100	816	14618	347	1222
1893.....	24168	924	10928	10641	388	1226
1894.....	50856	316	10019	20865	288	2720
1895.....	20873	148	3255	31575	259	1061
1896.....	22869	3832	6913	31535	109	1123
Total..	487671	5821	146766	187834	10029	25867

Chicago, Rock Island & Pacific Ry.—W.D.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	12900	72	29537	3153	615	106
February	12865	89	21555	5191	378	93
March	9169	50	20591	8418	434	78
April	6601	58	25717	21604	114	70
May	9053	24	27137	9144	130	87
June	14981	1347	26732	3758	72	105
July	13781	1279	14630	3164	.....	70
August	15500	1410	13479	4299	151	84
September	28406	2061	16064	5107	255	137
October	21927	1562	23348	3180	339	136
November	21014	643	19219	8502	285	114
December	22896	931	32079	9631	325	141
Total	189093	9526	270088	85151	3098	1230

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871						
1872						
1873						
1874						
1875						
1876						
1877						
1878						
1879						
1880						
1881						
1882						
1883						
1884						
1885						
1886						
1887	8652	.....	37166	708	63	90
1888	92775	.....	194660	24094	992	683
1889	126562	.....	200219	29233	1502	830
1890	177975	10062	302821	35974	3121	1199
1891	151107	9714	251480	22990	1869	994
1892	192142	8926	287279	25254	1542	1211
1893	241529	12437	232910	49638	1427	1331
1894	238328	11984	298383	85995	1787	1307
1895	185427	11111	219475	144430	2533	1104
1896	189093	9526	270088	85151	3098	1230
Total	1603584	73760	2294481	503467	17934	10044

Chicago, Rock Island & Pacific Ry.—W. D.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	889	153	.....	130	.....	35
February .	1817	172	.....	.....	26	64
March	1202	409	.....	.....	18	45
April.....	1018	.....	5	.....	66	38
May	1447	120	.....	.....	13	43
June.....	313	57	.....	.....	.....	12
July	432	.....	.....	.....	.....	13
August....	1403	.....	.....	.....	.....	47
September.	2788	858	.....	.....	4	106
October...	3678	389	.....	339	6	130
November.	2963	1196	.....	.....	52	104
December.	4025	1893	3	.....	3	154
Total..	21975	5247	8	469	188	791

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	548	.....	.....	248	38	29
1888.....	4308	.....	180	354	239	180
1889.....	8333	.....	442	1161	143	307
1890.....	8226	210	.....	.....	35	293
1891.....	8941	244	.....	201	218	328
1892.....	9834	280	1	854	709	405
1893.....	12818	227	210	2638	675	499
1894.....	12102	1114	105	1126	942	482
1895.....	12547	554	.....	579	480	474
1896.....	21975	5247	8	469	188	791
Total..	99632	7876	946	7630	3667	3788

Chicago, Milwaukee & St. Paul Ry.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	2711	142	4181	1165	48	16
February .	3971	266	1906	1484	74	17
March	5669	801	1564	943	46	22
April.....	2573	330	2806	610	21	13
May	2252	250	2580	2574	.....	13
June	1179	216	1706	1472	22	9
July	1657	60	3025	1121	.....	12
August....	1064	296	1362	1311	25	7
September.	1312	402	1358	274	25	7
October...	1542	219	2828	341	69	11
November.	2816	331	2790	680	76	16
December.	1862	385	7183	1041	112	19
Total..	28608	3698	33289	13016	518	167

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	183	.....	3692	80	9	7
1888.....	5725	.....	32783	3494	240	76
1889.....	5965	.....	36410	1675	718	79
1890.....	7820	240	43165	3282	547	91
1891.....	6359	166	34847	3782	276	73
1892.....	4766	142	29408	7067	110	62
1893.....	6746	82	14432	3681	234	53
1894.....	16940	686	35398	9667	609	132
1895.....	26697	1222	46617	11977	948	181
1896.....	28608	3698	33289	13016	518	167
Total..	109809	6236	310041	57721	4209	992

Chicago, Milwaukee & St. Paul Ry.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	9953	153	8877	4050	.....	585
February..	9752	2	3629	10468	9	574
March	7261	95	2253	5055	.....	409
April	701	.....	11990	9866	19	159
May	1290	.....	25908	2221	6	296
June.....	1575	106	14348	1766	.....	203
July	2726	76	7540	840	.....	178
August ...	4811	279	16596	768	.....	331
September.	5077	483	9210	1037	.....	285
October...	2750	336	1518	943	.....	126
November.	2935	249	.....	168	.....	118
December.	3500	261	547	.....	1	137
Total..	52331	2040	101916	37182	35	3401

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	1117	.....	.....	.....	.....	48
1888.....	105614	.....	13504	10752	404	4618
1889.....	142882	.....	57560	7087	1099	7259
1890.....	184839	4081	100578	45073	890	10340
1891.....	103639	2621	29484	30407	412	5883
1892.....	96083	1749	39741	46442	158	6002
1893.....	76859	2074	72807	48325	111	4582
1894.....	48661	1360	19258	37433	105	2652
1895.....	45954	1584	20623	43792	39	2288
1896.....	52331	2040	101916	37182	35	3401
Total..	858979	15509	455471	306493	3253	47073

Kansas City Northwestern R. R.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	2340	74	5154	388	457	216
February .	1717	21	3783	.....	313	132
March ...	1506	49	3648	.....	146	132
April	1747	9	3350	.....	96	132
May	2541	49	5508	28	109	201
June	1894	17	6090	30	20	173
July	1150	17	3998	26	.....	116
August....	1141	3	4032	.....	13	114
September.	827	13	4019	.....	76	99
October...	1149	65	6250	.....	223	149
November.	1393	20	4203	48	88	127
December.	1574	13	6212	1	130	165
Total..	18979	350	56247	521	1671	1770

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	9198	.....	36717	922	182	950
1889.....	16493	.....	51517	2070	168	1545
1890.....	33319	410	121989	768	483	3327
1891.....	17737	375	76038	867	217	1844
1892.....	23876	703	74862	861	624	2160
1893.....	26476	631	54407	2000	561	2032
1894.....	25876	539	61512	413	670	2064
1895.....	19225	610	66718	1191	985	1783
1896.....	18979	350	56247	521	1671	1770
Total..	191179	3618	600007	9613	5561	17475

Kansas City Northwestern R. R.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	424	.....	.....	.....	.....	15
February..	1167	2	.....	450	1	46
March	399	52	.....	.....	.....	17
April	131	51	.....	.....	.....	6
May	455	122	.....	.....	.....	16
June.....	652	15	.....	.....	.....	18
July	691	.....	.....	.....	.....	23
August....	1387	.....	.....	.....	1	50
September.	2224	235	.....	.....	.....	80
October...	1671	159	.....	2765	1	70
November.	1621	192	.....	.....	.....	55
December.	2435	249	.....	.....	.....	85
Total..	13257	1077	.....	3215	3	481

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	1474	.....	.....	112	25	55
1889.....	2671	.....	.....	71	15	101
1890.....	6749	193	.....	300	57	249
1891.....	3995	170	70	.....	7	149
1892.....	4779	215	200	304	85	196
1893.....	8337	66	.....	1378	15	312
1894.....	6763	2	.....	.....	49	248
1895.....	6264	103	.....	1030	64	242
1896.....	13257	1077	.....	3215	3	481
Total..	54289	1826	270	6405	320	2033

Atchison, Topeka & Santa Fe R. R.—E. D.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	354	2	2089	188	80	50
February..	210	1	1188	215	16	34
March	751	8	1603	354	51	64
April.....	611	1	1460	137	.....	49
May	862	3	1612	63	.....	60
June.....	384	4	1086	160	16	39
July	561	.....	1048	265	17	45
August....	259	.....	327	199	.....	33
September.	167	8	782	.....	.....	30
October...	117	.....	551	93	6	17
November.	329	1	1001	51	.....	31
December.	463	2	3507	334	11	72
Total .	5068	30	16254	2059	197	504

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886..	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	1289	.. ...	9586	531	258	229
1889.....	2895	.....	19357	1158	212	439
1890.....	3058	140	22133	415	49	466
1891.....	3555	57	25014	1055	77	522
1892.....	2834	75	15743	1234	151	375
1893.....	4255	14	9628	2021	230	379
1894.	5837	53	18298	3233	486	602
1895.....	5888	91	27269	3399	325	684
1896.....	5068	30	16254	2059	197	504
Total..	34679	460	163282	15105	1985	4200

Atchison, Topeka & Santa Fe R. R.—E. D.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January..	2691	.....	10905	.....	23	203
February .	1587	1	3826	594	162	133
March	1498	.....	170	1846	192	86
April	1877	3	966	9481	209	146
May	3148	.....	6200	10489	166	279
June.....	2208	.....	391	5200	74	143
July	8675	.....	3086	4386	106	397
August...	8594	118	79	4036	45	379
September.	9469	395	78	9144	45	454
October...	7927	75	166	5183	59	352
November.	6905	202	.....	3432	8	321
December .	11098	317	.....	3701	16	554
Total..	65077	1111	25867	57492	1105	3447

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	102208	.....	14025	14243	1095	4378
1889.....	131809	.....	1427	23772	1125	5553
1890.....	271666	18033	63308	54497	2030	13475
1891.....	189441	10974	108212	29373	1315	9577
1892.....	238195	5922	49276	23681	2093	11171
1893.....	140978	10883	84004	47473	2643	7702
1894.....	119332	3867	123704	38248	1530	6737
1895.....	63092	1310	69175	46076	1265	3336
1896.....	65077	1111	25867	57492	1105	3447
Total..	1321798	52100	539998	384855	14201	65870

Kansas City, Osceola & Southern Ry.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	1406	14	3632	897	32	118
February..	1268	32	2912	224	35	98
March ...	1777	23	2864	17	30	115
April.....	2151	43	4654	187	19	160
May	1734	22	3562	163	.....	130
June.....	1266	17	4645	180	1	122
July	2180	13	2848	608	23	141
August....	1186	21	2195	222	.....	82
September.	1244	33	1802	32	76	84
October...	961	24	3493	110	17	87
November.	1464	11	2135	271	39	94
December.	2057	20	4037	1738	.....	153
Total..	18694	273	38779	4649	272	1384

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	363	.....	1243	114	.....	33
1889.....	7187	.....	28277	565	92	749
1890.....	12147	116	44745	954	20	1224
1891.....	13541	234	43171	3230	36	1249
1892.....	16780	379	46981	2927	46	1411
1893.....	18281	280	41735	3131	124	1440
1894.....	21066	737	45893	6904	115	1611
1895.....	19764	338	45813	8375	120	1598
1896.....	18694	273	38779	4649	272	1384
Total...	127823	2357	336637	30849	825	10699

Kansas City, Osceola & Southern Ry.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	430	.....	.....	67	.....	18
February	444	.....	.....	.....	5	18
March	76	.....	.....	.....	21	5
April	109	.....	.....	.....	.....	5
May	334	.....	.....	.....	.....	11
June	153	.....	.....	.....	1	5
July	161	.....	.....	.....	.....	6
August	918	.....	.....	.....	.....	31
September	1015	.....	.....	573	.....	42
October	879	.....	.....	682	.....	38
November	1251	20	.....	233	.....	39
December	1365	545	.....	.....	.....	53
Total	7135	565	.....	1555	27	271

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	.....	.....	.....	.....	.....	.....
1872	.....	.....	.....	.....	.....	.....
1873	.....	.....	.....	.....	.....	.....
1874	.....	.....	.....	.....	.....	.....
1875	.....	.....	.....	.....	.....	.....
1876	.....	.....	.....	.....	.....	.....
1877	.....	.....	.....	.....	.....	.....
1878	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....
1884	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....
1889	2293	.....	.....	982	15	103
1890	5889	103	.....	857	.....	236
1891	5921	51	162	455	33	230
1892	4062	.....	.....	1271	24	170
1893	5141	202	153	835	25	207
1894	9965	429	1032	3392	29	400
1895	11654	263	.....	2948	29	433
1896	7135	565	.....	1555	27	271
Total	52060	1613	1347	12295	182	2050

Missouri, Kansas & Texas Ry.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	10758	228	12817	988	142	657
February .	12021	126	12203	865	47	705
March	11704	127	10884	1071	45	687
April	7720	265	16954	3752	15	590
May	9671	378	15774	4667	.....	640
June.....	15022	2045	14448	14070	46	877
July	20237	3181	9015	2063	9	927
August....	14769	2247	8017	1484	46	697
September.	20472	2888	8241	1799	8	872
October ..	20192	2211	12238	296	6	882
November.	15735	1805	12538	524	49	784
December.	21390	2414	17341	1199	96	1047
Total..	179691	17915	150470	32778	509	9345

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874	1428	.....	1495	.....	62	199
1875.....	724	.....	4641	378	3	134
1876.....	6	.....	476	.....	4	9
1877.....	618	.....	64	368	73	34
1878.....	19	.....	.....	.....	3	2
1879.....	144	.....	321	.....	147	20
1880.....	21	.....	236	.....	328	21
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	.....	.....	.....	.....	.....	.....
1889.....	31274	.....	26874	2495	447	1633
1890.....	69887	8168	99743	56691	745	4699
1891.....	96495	7713	96826	36104	1011	5378
1892..	80836	7289	70064	62664	703	4522
1893.....	102142	10090	68804	72133	710	5400
1894.....	108860	5805	87683	21065	213	5543
1895.....	171845	10966	121663	73843	727	8080
1896.....	179691	17915	150470	32778	509	9345
Total..	843990	67946	729360	358519	5685	4989

Missouri, Kansas & Texas Ry.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	1047	.....	66	.....	821	75
February	974	.....	.....	.....	642	63
March	731	137	82	.....	695	63
April	675	.....	.....	.....	385	41
May	74	.....	.....	.....	316	19
June	169	.....	.....	.....	112	11
July	229	.....	.....	.....	32	11
August	521	.....	1400	.....	75	40
September	1430	68	.....	.....	458	70
October	1655	101	773	606	463	84
November	1088	117	3463	.....	437	106
December	1713	.....	5755	249	522	157
Total	10306	423	11539	855	4958	740

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	.....	.....	.....	.....	.....	.....
1872	.....	.....	.....	.....	.....	.....
1873	.....	.....	.....	.....	.....	.....
1874	.....	.....	.....	.....	.....	.....
1875	58	.....	12	.....	7	5
1876	28	.....	.....	.....	14	3
1877	186	.....	.....	20	.....	9
1878	334	.....	10	303	393	40
1879	97	.....	33	3	13	7
1880	1	.....	.....	.....	385	26
1881	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....
1884	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....
1889	2518	.....	26204	87	146	471
1890	4962	132	43032	589	555	844
1891	3309	16	30120	643	124	535
1892	3348	93	29933	715	300	501
1893	3178	4	178	110	722	150
1894	8184	664	824	1601	4524	514
1895	10989	384	2865	3605	5607	684
1896	10306	423	11539	855	4958	740
Total	47498	1716	144750	8531	17748	4529

Kansas City, Pittsburg & Gulf R. R.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	1807	35	4684	365	.....	131
February..	1488	78	3290	297	91	120
March	2530	46	4467	556	.....	184
April	2179	30	5540	413	.....	177
May	2932	25	5959	247	.....	215
June.....	2300	20	6407	1343	.....	204
July	939	101	5431	1406	2	126
August....	1157	11	4229	501	.....	106
September.	1812	99	3669	275	2	119
October...	1320	50	3726	375	2	103
November.	3302	320	4288	153	13	170
December.	3861	553	4494	1122	3	190
Total..	25627	1368	56184	7058	113	1879

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	.....	.....	.....	.....	.....	.....
1889.....	.....	.....	.....	.....	.....	.....
1890.....	.....	.....	.....	.....	.....	.....
1891.....	3745	64	21582	109	2	454
1892.....	6766	277	19389	580	42	557
1893.....	10347	188	23605	1000	153	894
1894.....	28390	1281	45020	3622	246	1781
1895.....	23419	1756	45591	5358	316	1648
1896.....	25627	1368	56184	7053	113	1879
Total..	98294	4934	211371	17722	872	7146

Kansas City, Pittsburg & Gulf R. R.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	443	.....	.....	124	.....	16
February	54	.....	.....	.....	.....	2
March	294	84	.....	.....	19	12
April	86	.....	.....	.....	.....	3
May	57	.....	.....	.....	1	3
June	145	4	.....	.....	12	7
July	194	.....	.....	.....	19	8
August	329	118	.....	.....	18	14
September	481	130	.....	.....	.....	19
October	1192	63	.....	225	.....	44
November	695	180	.....	279	.....	27
December	923	.....	.....	.....	.....	28
Total	4893	579	.....	628	69	183

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	.....	.....	.....	.....	.....	.....
1872	.....	.....	.....	.....	.....	.....
1873	.....	.....	.....	.....	.....	.....
1874	.....	.....	.....	.....	.....	.....
1875	.....	.....	.....	.....	.....	.....
1876	.....	.....	.....	.....	.....	.....
1877	.....	.....	.....	.....	.....	.....
1878	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....
1884	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....
1889	.....	.....	.....	.....	.....	.....
1890	.....	.....	.....	.....	.....	.....
1891	1847	.....	.....	.....	.....	61
1892	715	.....	.....	.....	.....	24
1893	1632	44	.....	.....	46	63
1894	5847	132	429	607	91	215
1895	9812	135	13	1939	349	362
1896	4893	579	.....	628	69	183
Total	24246	890	442	3174	555	908

Chicago Great Western Ry.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	1309	228	953	97	167	69
February .	1172	155	332	372	40	54
March	2033	349	191	120	.....	71
April	934	333	640	.....	52	46
May	607	151	1021	.....	36	36
June	577	9	187	75	.....	28
July	298	3	209	.....	.....	13
August....	186	1	225	.....	23	12
September.	550	27	616	73	.....	30
October...	537	146	992	114	.....	34
November.	1158	203	364	144	23	48
December .	747	275	1519	552	23	61
Total..	10108	1880	7249	1547	364	502

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	.....	.....	.....	.....	.....	.....
1889.....	.....	.....	.....	.....	.....	.....
1890.....	.....	.....	.....	.....	.....	.....
1891.....	2780	55	7332	610	149	235
1892.....	2493	11	6821	343	2	196
1893.....	1926	16	3274	1279	110	151
1894.....	3159	17	8880	1778	385	283
1895.....	6983	392	6409	735	342	390
1896.....	10108	1880	7249	1547	864	502
Total..	27449	2371	39965	6292	1852	1757

Chicago Great Western Ry.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January...	473	.....	.....	.....	.....	18
February..	611	.....	.....	.....	.....	30
March.....	301	.....	.....	.....	.....	11
April.....	396	.....	818	.....	.....	22
May	182	.....	2874	514	10	34
June.....	244	.....	5191	1846	.....	49
July.....	510	60	1433	2591	.....	38
August....	620	78	2684	118	.....	41
September.	1630	152	424	2542	.....	69
October...	692	.....	172	3101	.....	46
November.	1954	50	89	936	.....	73
December.	694	281	.....	261	.....	30
Total..	8307	621	13685	11909	10	461

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871.....	.....	.....	.....	.....	.....	.....
1872.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....
1878.....	.....	.....	.....	.....	.....	.....
1879.....	.....	.....	.....	.....	.....	.....
1880.....	.....	.....	.....	.....	.....	.....
1881.....	.....	.....	.....	.....	.....	.....
1882.....	.....	.....	.....	.....	.....	.....
1883.....	.....	.....	.....	.....	.....	.....
1884.....	.....	.....	.....	.....	.....	.....
1885.....	.....	.....	.....	.....	.....	.....
1886.....	.....	.....	.....	.....	.....	.....
1887.....	.....	.....	.....	.....	.....	.....
1888.....	.....	.....	.....	.....	.....	.....
1889.....	.....	.....	.....	.....	.....	.....
1890.....	.....	.....	.....	.....	.....	.....
1891.....	26317	1	2211	12441	56	1344
1892.....	2610	19	82	14955	34	183
1893.....	3088	162	7622	10494	171	259
1894.....	2488	1	13996	22806	6	358
1895.....	2082	181	10786	12022	19	206
1896.....	8307	621	13685	11909	10	461
Total..	44892	985	48382	84627	296	2811

Kansas City Suburban Belt Ry.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January	.....	.....	.....	.....	.....	.....
February	.....	.....	.....	.....	.....	.....
March	.....	.....	.....	.....	.....	.....
April	.....	.....	.....	.....	.....	.....
May	76	.....	.....	.....	.....	3
June	.....	.....	.....	.....	.....	.....
July	.....	.....	.....	.....	.....	.....
August	.....	.....	.....	.....	.....	.....
September	.....	.....	.....	.....	.....	.....
October	.....	.....	.....	.....	.....	.....
November	.....	.....	.....	.....	.....	.....
December	.....	.....	.....	.....	.....	.....
Total	76	.....	.....	.....	.....	3

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871	.....	.....	.....	.....	.....	.....
1872	.....	.....	.....	.....	.....	.....
1873	.....	.....	.....	.....	.....	.....
1874	.....	.....	.....	.....	.....	.....
1875	.....	.....	.....	.....	.....	.....
1876	.....	.....	.....	.....	.....	.....
1877	.....	.....	.....	.....	.....	.....
1878	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....
1884	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....
1889	.....	.....	.....	.....	.....	.....
1890	.....	.....	.....	.....	.....	.....
1891	.....	.....	257	.....	.....	4
1892	.....	.....	47	.....	.....	1
1893	81	.....	.....	.....	.....	4
1894	234	.....	.....	.....	.....	9
1895	233	.....	.....	.....	.....	10
1896	76	.....	.....	.....	.....	3
Total	624	.....	304	.....	.....	31

Kansas City Suburban Belt Ry.

SHIPMENTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
Total						

YEARLY SHIPMENTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871						
1872						
1873						
1874						
1875						
1876						
1877						
1878						
1879						
1880						
1881						
1882						
1883						
1884						
1885						
1886						
1887						
1888						
1889						
1890						
1891						
1892						
1893						
1894	12					2
1895	29					1
1896						
Total	41					3

K. C. & Independence Air Line Ry.

RECEIPTS.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
Total						

YEARLY RECEIPTS.

YEAR	Cattle	Calves	Hogs	Sheep	Horses & Mules	Cars
1871						
1872						
1873						
1874						
1875						
1876						
1877						
1878						
1879						
1880						
1881						
1882						
1883						
1884						
1885						
1886						
1887						
1888						
1889						
1890						
1891						
1892						
1893						
1894	12		21			2
1895						
1896						
Total	12		21			2

Southern Kansas Railway.

YEARLY RECEIPTS.

YEAR	Cattle	Hogs	Sheep	Horses & Mules	Cars
1871	9540	1402	85	87	511
1872	28752	7202	507	23	1589
1873	29301	27886	126	124	2032
1874	37985	46903	966	146	2856
1875	19537	3396	315	58	1052
1876	22278	24028	1421	134	1692
1877	22969	34567	1215	141	1945
1878	27149	103519	5009	98	3358
1879	33801	122722	1087	99	3780
1880	78094	132777	1998	470	5789
1881	56500	139313	7914	464	4856
1882	109988	110366	8775	922	6776
1883	94339	155610	17473	706	7486
1884	88343	237807	42085	262	8657
1885	141147	359659	37286	346	12419
1886	116972	247479	11482	719	8990
1887	109348	209412	20304	802	8020
1888	26633	74015	10777	457	2240
Total	1052676	2038063	168825	6058	84048

YEARLY SHIPMENTS.

YEAR	Cattle	Hogs	Sheep	Horses & Mules	Cars
1871	250	58	.....	6	15
1872	172	168	9	16	13
1873	536	82	138	8	32
1874	157	.....	493	6	14
1875	521	777	.....	2	43
1876	283	35	980	11	26
1877	382	27	.....	30	25
1878	68	174	57	86	20
1879	338	.....	5197	65	65
1880	801	.....	4390	95	75
1881	2391	.....	7766	81	145
1882	6481	541	2220	390	291
1883	9857	1734	513	330	404
1884	8244	546	607	790	388
1885	3211	.....	93	817	183
1886	2558	.....	346	1479	207
1887	2239	239	513	368	121
1888	671	.....	.....	1	27
Total	39160	4381	23322	4581	2094

Total Receipts of Cars for Year 1896.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Total No. Cars
January...	5597	6	3721	313	267	9904
February..	4815	4	2594	370	254	8037
March.....	4853	27	2628	439	175	8122
April.....	4217	10	3480	509	98	8314
May.....	4787	12	3663	423	103	8988
June.....	4624	75	3642	345	49	8735
July.....	5244	119	2371	311	41	8086
August....	6308	123	1858	274	71	8834
September.	8929	128	2178	475	98	11808
October...	8018	92	2833	381	139	11462
November.	6908	109	2592	433	136	10178
December.	6671	125	4012	384	133	11325
Total..	70971	830	35572	4657	1564	113594

Total Shipments of Cars for Year 1896.

MONTH	Cattle	Calves	Hogs	Sheep	Horses & Mules	Total No. Cars
January...	2473	14	240	39	256	3022
February..	2143	12	272	104	231	2762
March.....	2005	42	130	94	151	2422
April.....	1642	11	275	140	93	2161
May.....	2051	13	476	127	87	2754
June.....	1898	18	303	102	48	2369
July.....	2247	16	280	72	45	2660
August....	3249	59	361	85	61	3815
September.	4802	98	260	196	114	5470
October...	3856	93	174	163	137	4423
November.	3424	94	56	124	136	3834
December.	3781	165	121	112	140	4319
Total..	33571	635	2948	1358	1499	40011

Largest Receipts.

LARGEST RECEIPTS IN ONE DAY.

Cattle—October 16, 1894	17,030
Calves—August 31, 1893	1,747
Hogs—July 30, 1890	26,408
Sheep—September 22, 1896	12,114
Horses and Mules—December 17, 1895	797
Cars—December 1, 1896	1,002

LARGEST RECEIPTS IN ONE WEEK.

Cattle—September 30, 1896	81,441
Calves—August 31, 1892	7,022
Hogs—July 31, 1890	155,044
Sheep—May 31, 1890	38,912
Horses and Mules—January 31, 1896	3,667
Cars—July 31, 1890	5,025

LARGEST RECEIPTS IN ONE MONTH.

Cattle—September, 1896	229,945
Calves—August, 1892	19,848
Hogs—July, 1890	347,469
Sheep—April, 1896	113,215
Horses and Mules—January, 1896	11,939
Cars—October, 1895	12,184

LARGEST RECEIPTS IN ONE YEAR.

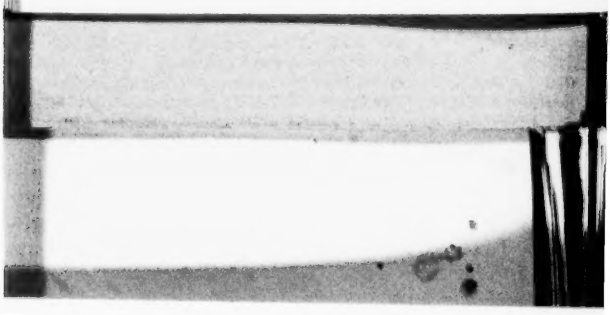
Cattle—1896	1,714,532
Calves—1896	100,166
Hogs—1890	2,865,171
Sheep—1896	993,126
Horses and Mules—1896	57,847
Cars—1896	113,594

Average Weight of Hogs for 1896.

January	238 lbs.
February	231 "
March	232 "
April	226 "
May	222 "
June	221 "
July	214 "
August	216 "
September	226 "
October	229 "
November	238 "
December	232 "

Average weight of Hogs for 1896, 227 lbs.

Average number of head of Stock received per day, 14990.



Total Number of Head and Valuation of Stock Handled at these Yards in Twenty-six Years.

YEAR	No. Head	Valuation
1871	167,199	$ 4,210,605.00
1872	350,160	9,175,071.00
1873	459,681	9,133,399.00
1874	432,146	8,692,337.00
1875	266,077	6,574,473.00
1876	397,539	7,210,033.00
1877	454,882	9,129,047.00
1878	650,617	7,721,999.00
1879	877,836	10,635,231.00
1880	985,883	14,277,215.00
1881	1,392,683	23,595,276.00
1882	1,495,147	32,660,445.00
1883	1,979,706	35,824,499.00
1884	2,522,239	41,145,551.00
1885	3,111,652	39,181,940.00
1886	2,961,302	35,340,150.00
1887	3,332,132	43,514,050.00
1888	3,443,770	55,949,004.00
1889	3,699,588	59,554,276.00
1890	4,986,955	75,503,119.00
1891	4,365,096	66,063,681.00
1892	4,439,405	73,077,168.00
1893	4,299,815	91,779,950.00
1894	4,953,414	98,577,164.00
1895	5,064,669	93,200,329.00
1896	5,471,246	103,402,298.00
TOTAL	62,560,839	1,055,128,310.00

77 In the Circuit Court of the United States in and for the ..... Division of the District of Kansas.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

The State of Kansas,
County of Wyandotte—ss.

Norman B. Greer, being first duly sworn, on oath states, that he is the manager and agent, at the Kansas City Stock Yards, for the firm of Greer, Mills & Company, a live stock commission firm doing business thereat. Said firm being composed of Jefferson E. Greer, Frank O. Mills, and Jesse Sherwood. All of the members of said firm being citizens and residents of the state of Illinois.

That heretofore, to wit, on September 10, 1896, at a meeting of the board of directors of The Kansas City Live Stock Exchange, said Greer, Mills & Company were suspended from membership in said exchange, and a notice to that effect posted on the several bulletin boards provided therefor in the exchange building at Kansas City, a copy of which said notice is in words and figures following, to wit:

NOTICE.

At a meeting of the directers of The Kansas City Live Stock Exchange, the following order was made:

That, whereas, on October 7, 1895, the firm of Greer, Mills & Co. members of The Kansas City Live Stock Exchange, were duly found guilty of a violation of Sec. V, Rule IX, of said Exchange, and fines aggregating $1000 were assessed against said firm, as in said rules provided,

And, whereas, the said fines have never been paid as required by the by-laws the said firm of Greer, Mills & Co. be, and they are hereby suspended from membership in The Kansas City Live Stock Exchange until said fines are paid, and the Secretary is hereby instructed to notify the members of the Exchange of this action, and said Greer, Mills & Co. thereof.

It is further ordered that the attention of the members of the Exchange be called to Sec. I, Rule XVI, and that they be requested to govern themselves accordingly,

(Signed) "R. P. WOODBURY, Secretary."

Order of the Board of Directors, September 10, 1896.

[Seal]

That thereafter, and on September 14, 1896, said Greer, Mills & Company served a written notice on the president, secretary and board of directors of said Kansas City
78 Live Stock Exchange, a copy of which is in words and figures following, to wit:

Kansas City Live Stock Exchange Building,
Kansas City, September 14, 1896.

To the President, Secretary and Board of Directors of The Kansas City Live Stock Exchange:

It having been judicially declared by the Kansas Court of Appeals that certain by-laws of The Kansas City Live Stock Exchange are illegal and that every member of the Exchange in continuing such membership is violating a statute that makes it a misdemeanor while such illegal by-laws remain in force.

Notice is hereby given to you that we, the undersigned members of said Exchange, announce it to be our purpose to carry on our business in obedience to the law of the land, and hereby withdraw our consent to Rules IX and XVI, and to any and all other by-laws that are illegal and in restraint of trade, and which may be prohibited by the acts of Congress, or the laws of the State of Kansas or Missouri, which may tend or operate to make said Exchange an illegal combination. We therefore demand that all such illegal rules and by-laws be repealed and annulled, and that you cease all efforts to enforce the same.

We further petition and demand that the order and notice posted on the bulletin boards in the Exchange Building, by order of the board of directors, on the 10th day of September, 1896, in pursuance of said illegal combination, by which you, as the board of directors or managing body of said Exchange, are attempting to enforce said illegal rules and by-laws, be annulled and such publication thereof be withdrawn, the same being injurious to the business of the undersigned, and an unlawful interference with their rights as live stock commission merchants doing business at the Kansas City live stock market.

The undersigned also demand all lawful rights and privileges pertaining to the business of live stock commission merchants at the Kansas City live stock market, at the Kansas City Stock Yards. You are hereby notified and warned to make no unlawful interference with the lawful rights and privileges of the undersigned at said public market.

The notice above referred to, and which you have unlawfully posted and published, and which is hereby requested to be

annulled and withdrawn is an order of suspension and a direction or warning by you to all members of the Exchange, under threat of fines and suspension unless they comply with section 1, of Rule XVI, of the by-laws, rules and regulations of said Exchange, which reads as follows:

"Sec. 1. No member of The Kansas City Live Stock Exchange shall transact any business with any person violating any of the rules or regulations of this Exchange, or an expelled or suspended member, after notice of such violation, suspension or expulsion has been issued by the Secretary or Board of Directors of the Exchange."

GREER, MILLS & CO.

That after the notice was served, the board of directors and officers of said exchange refused and neglected to rescind the order of suspension above mentioned or to annul the posting and publication thereof.

That thereafter, and on the ..... day of September, 1896, Greer, Mills & Company brought an action in the Circuit Court of the United States within and for the Western Division of the Western District of Missouri, in equity, for the purpose of enjoining and restraining the directors of said Kansas City Live Stock Exchange from enforcing the illegal by-laws
79 above mentioned, and from suspending or expelling Greer, Mills & Company from said association. That a temporary restraining order, mandatory in its nature, was issued by the Hon. John F. Philips, sitting as circuit judge in said court, commanding the directors of said exchange to restore the plaintiffs in said action to all rights and privileges in said exchange which had been denied to them by the directors thereof, under the proceedings had on September 10, 1896.

That thereafter, on hearing had before said United States Circuit Court said restraining order was vacated and dissolved on the ground that the plaintiffs in said action could obtain no relief while continuing to be members of said Kansas City Live Stock Exchange, although they had protested and objected to the enforcement of the illegal by-laws and rules thereof. That said restraining order was dissolved on the ..... day of November, 1896.

That from the said September 10th and up to and until said restraining order was issued out of the United States Circuit Court, on the ..... day of September, 1896, members of said Kansas City Live Stock Exchange and the commission men at said Kansas City stock yards refused to trade or deal in any manner with the firm of Greer, Mills & Company. And that during said time Greer, Mills & Company had consigned

to them, for sale as commission merchants, about 60 loads of cattle which they desired to sell at the Kansas City market aforesaid; but which they were unable to do by reason of the commission merchants, at Kansas City aforesaid, refusing to buy the same, and also the refusal of the various packing houses and buyers to buy from them, and this affiant as manager for Greer, Mills & Company, was compelled to ship said cattle away from the yards at Kansas City to St. Louis and Chicago in order to sell the same, and as a result said Greer, Mills & Company made heavy losses to the owners of said cattle in about the sum of $3000. which would have been saved to the owners of said cattle if said Greer, Mills & Company had not been boycotted and prevented from disposing of the same at Kansas City, where the owners expected that the same would be sold, and that by reason of said loss caused by the misconduct and wrongful acts of the members
80 of said exchange, the business of Greer, Mills & Company was greatly injured and their standing among stock men and shippers was greatly affected and impaired. That said cattle were shipped to Greer, Mills & Company, at Kansas City aforesaid, by the owners thereof from Henrietta, Texas, Snyder, Indian Territory, Hymer, Kansas, and other places.

That during the time above mentioned, Greer, Mills & Company were absolutely prohibited and prevented from selling or disposing of any hogs for the reason that the commission men and packers refused to buy the same; and Greer, Mills & Company, in order to prevent severe losses, were compelled to turn said hogs over to other commission merchants for sale, thus losing the commission which they otherwise would have charged and retained for the sale of the same.

That up to the time Greer, Mills & Company were so suspended by the Board of Directors of said exchange, the commission men at said stock yards and the packers bought regularly both cattle and hogs and other live stock from Greer, Mills & Company, almost every day, and affiant and his said firm never had any difficulty in disposing of any and all stock they might have for sale at the market price.

That on or about September 12, 1896, during the time that Greer, Mills & Company were boycotted by the commission men and packers, members of said Exchange, they turned over several car loads of hogs to A. J. Gillespie & Sons, members of said Kansas City Live Stock Exchange, for sale, being unable by reason of said boycott to dispose of the same. That said hogs were consigned to the affiant's firm by stock growers in Kansas and Missouri. That two car loads of said stock were paid for by Greer, Mills & Co. before they were received

at the Kansas City Stock Yards. That upon the sale of said hogs by Gillespie & Sons said Gillespie & Sons were notified by members, directors and the Secretary of said exchange not to turn over the proceeds of said hogs to Greer, Mills & Company, but to remit the same directly to the country shipper, and that in pursuance of said notice said Gillespie & Sons kept the proceeds of said hogs for several days, refusing to turn the same over to affiant's firm, fearing they would be fined, suspended or expelled from membership in said exchange.

That soon after the restraining order of Hon. John F.
81 Philips being served, restraining the members of said Live Stock Exchange as stated, the business of Greer, Mills & Company went on as usual and the boycott was mostly lifted.

That at Kansas City aforesaid there are five large packing establishments, which kill and pack hogs, cattle and sheep, to wit: Dold Packing Co., in Kansas City, Missouri; The Armour Packing Co., in both Kansas City, Kansas and Kansas City, Mo.; The Fowler Packing Co., in Kansas City, Kansas; Swift & Co., in Kansas City, Kansas, and Schwarzschild & Suzberger Co., in Kansas City, Kansas.

That substantially all the hogs that come to the Kansas City market are sold through commission men doing business there, and are bought by said packing companies; and a large number of cattle, being more than one-half of all the fat cattle coming to said market, are bought by said packing houses, and that substantially all the cattle and hogs bought by said packing houses are bought from commission men who handle the same for the raisers and owners thereof and deduct a commission for their services in so doing.

That said packing companies, as companies or corporations, are not members of The Kansas City Live Stock Exchange, but each of said packing houses, companies or corporations have representatives who do belong to and are members of The Kansas City Live Stock Exchange; and that through such representatives who are members of the Kansas City Live Stock Exchange, said Exchange influences, controls and exercises authority and power to prevent said packing companies, corporations and houses from doing business with Greer, Mills & Company.

That said packing houses, companies and corporations although not members of said exchange, as such have during all the periods of time in which said Kansas City Live Stock Exchange was not enjoined by some order of a court of equity, refused to trade with or buy live stock from affiant's firm by

reason of the notice and threats of said Kansas City Live Stock Exchange, although theretofore they had freely and almost daily traded with and bought live stock of the firm of Greer, Mills & Company. That such change in their policy of trading or refusing to trade with Greer, Mills & Company was entirely influenced by The Kansas City Live Stock
82 Exchange, in their attempt to prevent affiant's firm from doing business as live stock commission merchants at the Kansas City Stock Yards.

That on December 1, 1896, Greer, Mills & Company had four car-loads of cattle consigned to them from L. T. Lester from Amarillo, Texas for sale, and that one Josiah Baker, cattle buyer for M. T. Burwell & Co., said Burwell & Co. being members of said exchange, made a bid to the affiant of $2.90 a hundred on all the said cattle except three, and that affiant agreed with said Baker on this price and said Baker agreed to purchase the same, after which said Baker said, "Hold on. I won't close the trade. I am afraid we might get into trouble if we do. We will go up to the office and see the boss and be back right away and let you know." That said Baker came back and stated to the affiant that he could not take the cattle because he was afraid the exchange would fine him or boycott him, and that he could not afford to fight the case in court. He said he was in sympathy with Greer, Mills & Company, and thought it was a damned outrage that this was not a free country, so that anybody could do business that he wants to.

That on the same day, the affiant after considerable effort succeeded in selling said cattle, except five, to a speculator or trader by the name of B. J. Means, but said Means refused to buy the same in his own name, stating that he was afraid he would be boycotted, and had them weighed up to him under a fictitious name, and had them sent to the shipping division instead of to their proper pens, in order to deceive and prevent the members of the Live Stock Exchange from ascertaining the facts as to the purchase. That by reason of said transaction affiant lost to the owner of said cattle about $12.00 for reason that if he had sold the same under contract made with M. T. Burwell & Co., above stated, they would have taken all the cattle except three. In selling to B. J. Means there were five of the cattle which affiant was unable to sell, excepting at a very low price.

That from on or about the 17th day of November, 1896, up to the date of the issuing of the restraining order in this case, by reason of the boycott, aforesaid, Greer, Mills & Company

were compelled to turn over to Noel & Titsworth, com-
83 mission merchants at the stock yards and members of the Kansas City Live Stock Exchange, about 25 car loads of hogs for sale, and from which said sale said Noel & Titsworth deducted and kept full commissions of $6.00 a car, which said commissons were lost to Greer, Mills & Company by reason of the fact that they were by reason of the boycott aforesaid unable to sell the same. And that during said time said Greer, Mills & Company used every endeavor to sell the said hogs to the packing house buyers and others, and spent much time and energy in showing said hogs, and many of the same were priced by the affiant to the packers at the same price for which said packers bought the same from said Noel & Titsworth.

Affiant further states that in the conduct of Greer, Mills & Company's business the cattle and hogs handled by them at the stock yards aforesaid, have been of the same kind and character handled by other commission firms, members of The Kansas City Live Stock Exchange, and not inferior thereto in any respect.

That the action of The Kansas City Live Stock Exchange and its members and the packing houses in refusing to deal with the firm of Greer, Mills & Company has become a matter of great notoriety, and the different attempts which Greer, Mills & Company have made to obtain redress through the courts, have been published and widely circulated in the different papers printed in Kansas City and Missouri and in the state of Kansas, and the fact that Greer, Mills & Company have been boycotted has been widely advertised so that their business has been seriously affected, impaired and injured.

That on November 19, 1896, affiant had for sale, consigned to Greer, Mills & Company, twenty head of heifers about one-half of which belonged to Scott Kennedy a speculator. One George Cole, a buyer for Offut, Elmore & Cooper, members of the Kansas City Live Stock Exchange made a bid to the affiant of $2.30 per hundred for the same, and while negotiating said Cole was called away from the pen in which the heifers were by William Elmore, one of the firm for which he was working and a member of The Kansas City Live Stock Exchange. While Elmore and Cole were consulting, the affiant said, "I will sell you the heifers at $2.30 per hundred."
Cole then came up to the affiant and stated that he
84 didn't know that Greer, Mills & Company had been posted, and that he was not allowed by his firm to trade with them. Thereupon affiant stated to said Cole that one pen of the heifers belonged to Scott Kennedy, and that he

could buy the same of said Kennedy. Thereupon said Cole bought said heifers of the said Scott Kennedy at the same price affiant offered the heifers at.

That on or about the 19th day of October, 1896, the affiant, representing Greer, Mills & Company, sold one bunch of cows to Isaac Thompson, cattle buyer for Swift & Company. In order to induce said Thompson to buy the same, affiant accepted a bid from Thompson for said cows which was below the market price, in order to ascertain whether any packers would deal in any manner with Greer, Mills & Company. That on the next day affiant offered said Thompson a drove of cows which said Thompson desired to buy. He [thereon] stated to affiant that he would not buy to-day. He said, "I got hell yesterday for buying what I did," and stated to affiant that if he, affiant, was trading on his own account he, said Thompson, would buy his cattle quick. That said Isaac Thompson stated to the affiant that he, Thompson, when he bought from affiant the day before, was taken by surprise and forgot about the boycott against Greer, Mills & Company.

That prior to the date that the firm of Greer, Mills & Co. resigned and withdrew from The Kansas City Live Stock Exchange, which withdrawal was posted by The Kansas City Live Stock Exchange on the bulletin boards, on or about the 17th day of November, 1896, they had traded with the live stock commission firm of Theis & Parlin, through speculators who trade through said firm of Theis & Parlin, and prior to such date the said firm of Theis & Parlin had bought from Greer, Mills & Company and sold to them, and their dealings had been quite extensive. That after The Kansas City Live Stock Exchange posted the notice on the bulletin boards referred to in the depositions in this case, the said firm of Theis & Parlin refused to transact any business, either purchase from or sell to the firm of Greer, Mills & Company, and about all transactions ceased from that date. The reason of such refusal and failure to transact business further was on account of said withdrawing from said Live Stock Exchange by the firm of Greer, Mills & Company and the notice posted by The Kansas City Live Stock Exchange.

In conversation with several members of the association known as the "Traders' Exchange" an association that are not members of The Kansas City Live Stock Exchange, affiant was told by such members of the Traders' Exchange that the reason their members refused to trade with Greer, Mills & Company was that they were in sympathy with the Kansas City Live Stock Exchange, and that several members of The Kansas City Live Stock Exchange had said to their exchange,

or to members thereof, that the two exchanges must stand and work together. That some of the principal men of the Kansas City Live Stock Exchange had said to them: "You stand by us in our trouble, and we will stand by you when you have trouble." In the testimony of Mr. A. M. Bryam who is a speculator and trades through Theis & Parlin, live stock commission merchants, he stated that he had no instructions from his house, Theis & Parlin, not to trade or do business with Greer, Mills & Company. Mr. Bryam told J. H. Thompson in the presence of affiant, which affiant heard and here testifies to as a fact, that his Bryam's house, Theis & Parlin, told him they would not receive the checks of Greer, Mills & Company, or would not issue any checks payable to them for cattle.

Affiant further says, that individually he has a membership in The Kansas City Live Stock Exchange, which belongs to him personally. That in all his transactions as manager of the firm of Greer, Mills & Company he is not trading and has not traded because of his individual membership, but has acted solely as the representative of Greer, Mills & Company, and not on account of any individual membership of his own. That affiant says he is not a member of the firm of Greer, Mills & Company, and has no interest in the firm of Greer, Mills & Company, nor in their business, and is only acting as an employee on a salary. That his membership has nothing to do with the business of Greer, Mills & Company. That said Greer, Mills & Company tendered to The Kansas City Live Stock Exchange the three certificates owned by the firm early in November last, and at that time ceased to be members of The Kansas City Live Stock Exchange, and the business they have transacted since, or attempted to transact, has been as
86 independent live stock commission merchants at said Kansas City Live Stock market, independent of The Kansas City Live Stock Exchange. That said firm of Greer, Mills & Company are not carrying on business, or attempting to carry on business, through any membership held by any of their employees, and the firm of Greer, Mills & Company have no connection with The Kansas City Live Stock Exchange since they withdrew therefrom in early November, 1896.

This affiant has never done any business at The Kansas City Live Stock Exchange on his own account since he has been in the employ of the firm of Greer, Mills & Company, and is not now using and has never used his membership certificate in said exchange for the benefit of Greer, Mills & Company or connected with their business. That such membership of affiant's is his individual property, and the firm of Greer, Mills

& Company have no interest therein, and are not using the same in their trade.

That all the other live stock commission merchants, doing business at the Kansas City Live Stock yards and market, at Kansas City, are competitors of the firm of Greer, Mills & Company, and by reason of the action taken by the Kansas City Live Stock Exchange and their enforced boycott upon the firm of Greer, Mills & Company, many of the solicitors of the various houses and commission merchants, who travel through the country soliciting trade, are asserting to the country people who ship live stock to the Kansas City market, that the firm of Greer, Mills & Company cannot sell to the packing houses or commission men, and in that way are trying to influence trade away from Greer, Mills & Company, and are in fact influencing trade away from them, and by reason of such influences and reprsentations, through said solicitors, said competing commission houses have diverted business from Greer, Mills & Company greatly to their damage, and are continuing such representations and continuing to divert business from the firm of Greer, Mills & Company in that manner.

That on or about December 17, 1896, the firm of Greer, Mills & Company received one car of cattle from the country, shipped to said firm for sale at the Kansas City market, and was received by them in the ordinary course of business
87 at said Kansas City market. That one John Shy, an employee of the live stock commission firm of Clay, Robinson & Company who are members of The Kansas City Live Stock Exchange, saw said cattle in the pens and made a bid to affiant for said cattle of $3.60 a hundred, being a price that affiant was willing to sell said cattle for. Some time after said bid had been made and before the transaction of purchase had been completed, said Shy made the remark "Hold on, I want to see. I am afraid we may get into trouble." Then said Shy left the pen where he and affiant were negotiating and went to the office of his firm, or at least he said he was going to the office of his employers and was gone a few minutes and when he came back said to affiant, "we can't take the cattle or pay for them." The man who was going to buy the cattle and who was a customer of Clay, Robinson & Co., was present with Shy, the employee, at the time the dickering was going on, and when Shy came back from his house he said to affiant, "Here is the man who wants to buy these cattle, and for whom we were negotiating the purchase. He was borrowing the money of my firm, Clay, Robinson & Company and we can't let him have the money for that purpose." Upon that statement by Mr. Shy, the countryman who was present and wanted to buy the cattle said to affiant, "I have

the money at home in the bank, and will buy them myself at the price offered" being $3.60 a hundred and did buy them and pay for them.

That the Kansas City Stock Yards Company annually issue a report of the entire business of the stock yards company for the year done previous to the first day of January, and have the same published and printed in pamphlet form, a copy of which is hereto attached and made a part of this affidavit. That the statements, figures and statistics embraced in said report are taken from actual transactions, books and records that are kept by the stock yards company, and are reliable and truthful in so far as the statistics of business done are concerned.

That affiant has received in the due course of business letters and telegrams from stock raisers and customers of Greer, Mills & Company, and that copies of a few of such letters and telegrams are in words and figures following, to wit:

88 (Letter.)

Greenwood, Mo., Sept. 14, 1896.

Greer, Mills & Co.,
Kansas City Stock Yards.

Gentlemen: It is common talk here that you are out of business, having been boycotted by the exchange *trust*. Fearing the power of their boycott I do not think it will be safe for me to consign my hogs to you, so do not think hard of me if I go to other parties.

Hoping that you will be successful in your fight against the *trust*, so I can come back to you with my trade, I am,

Yours respectfully,

J. A. McKITTERICK.

(Letter.)

De Soto, Kans., Sept. 12, 1896.

Greer, Mills & Co.

I see by the papers that your firm have been "suspended" by the association, and not hearing anything from you since I was there Tuesday, I thought I would write and inquire if you are doing any business. The paper stated any firm doing business with you would be in contempt. I thought if you could not do business to any advantage you may send me my balance ($900.00) through State Bank, Eudora, Kansas, immediately and oblige

J. L. MORGAN.

(Letter.)

Cedar Vale, Kan., Sept. 14, 1896.

Greer, Mills & Co.,

Gentlemen: I am thinking of being on the market Monday, the 21st of this month, and seeing by the papers of your trouble, would like for you to write me at once if it will make any difference or interfere with your selling my cattle, also what the market is. Write me so I will get it Friday.

Yours truly,

MAYER & HERSEY.

89 (Letter.)

Syracuse, Kansas, Sept. 13, 1896.

Cattle done fine. Won't take many loads like the last to put me on my feet. Am going to have two loads this week. I am buying some black muley calves, six months, that will weigh 600 fine.

They have got it reported out here that you have lost that suit and were expelled. I hope it is not so. Tell Bob my paper is all right. Yours,

J. H. HAMILTON.

(Telegram.)

Amarillo, Tex., Sept. 15 96.

To Al. Popham,

Care Greer, Mills & Co.

Think boycott affecting house seriously. Better stop shipping. Come here. Must see you. Answer.

WM. HARRELL.

(Telegram.)

Sheridan, Wyo., Sept. 14, 1896.

To Greer, Mills & Co.,

Shippers afraid of Kansas City posting. Does it affect Chicago house? Wire me. Yesterday ship you eleven cars sheep, one cattle. Ans. Parkham.

JOHN D. WALLACE.

(Telegram.)

Hymer, Ks., Sept. 20, 1896.

To Greer, Mills & Co.,

Kansas City Stock Yards.

Is all settled with Exchange? Answer.

AL. POPHAM.

90 (Telegram.)

Canadian, Tex., Sept. 19, 96.

To Greer, Mills & Co.

Is everything all right with the exchange? Answer Hymer.

AL. POPHAM.

90 (Telegram.)

Fort Worth, Tex. Sept. 15, 1896.

To Greer, Mills & Co.

Articles appearing in papers, Greer-Mills posted, require answering. Write me at once what to say.

GEO. BEGGS.

(Letter.)

Farmington, Ks. 12/26, 1896.

Greer, Mills & Co.
Kansas City, Mo.

Dear Sirs: I don't know that I will get down Monday with cattle. Had a call yesterday from a commission man from K. C. who informed me that the packers would not buy from your firm on account of trouble you are having with the exchange. How is this?

Yours respectfully,
D. C. HALL, A. O. H.

(Letter.)

Sheridan, Wyo. Sept. 13, 1896.

Greer, Mills & Co., Chicago.

Gentlemen: Am sorry to say that I lost 9 cars of cattle today on account of Kansas City posting, printed in Sheridan Daily Journal, and presented by A. S. Burrows, cashier of Ft. Nat. Bank, to E. R. Denwoody, Joe Thom and others.

91 I ask them to call on you. They intended shipping to your house, but were scared on account of K. C. posting.

Ship you to-day 11 cars sheep, 1 car cattle.

Ship you 19th Sept. 22 cars cattle.

Send explanation at once in regard K. C. posting. Will it have effect on Chicago house?

Ys. obedient,
JOHN D. WALLACE.

Send ans. by return mail or will lose everything.

That it is the policy of said Kansas City Live Stock Exchange to require every person and firm doing business, or attempting to do business, as live stock commission men, at the Kansas City stock yards, to take out memberships in said exchange, and that on their failure so to do the members of said exchange are notified not to deal with said persons or firms.

That on June 4, 1895, one P. H. Harris, who was engaged as a commission merchant at said stock yards, received a letter from the secretary of said exchange, on the letter-head of said exchange, as follows, to wit:

Kansas City, June 4, 1895.

Mr. P. H. Harris, City.

Dear Sir: I am instructed by the directors of The Kansas City Live Stock Exchange to request that you take out a membership in this Exchange forthwith, or cease to carry any party or parties on commission.

Respectfully yours,

R. P. WOODBURY, Secretary.

(Order of the Board of Directors.)

That the originals of all of said letters are now on file and attached to the affidavit of the affiant made in the action of Greer, Mills & Co. vs. J. R. Stoller et al., pending in the Court of Common Pleas of Wyandotte County, State of Kansas.

That on or about December 22, 1896, said R. P. Woodbury, secretary of said exchange, in giving his testimony produced the records and proceedings of the board of directors of June 3, 1895 and testified as follows:

92 Q. State if in the meeting of June 3rd, there is anything referring to a notice to one Harris, requesting him to take out a membership in the exchange? Produce said notice and permit the notary to take a copy thereof.

A. I find the following: "Mr. P. H. Harris was also invited before the board, and made a statement that he was carrying speculators on commission. It was ordered that he be instructed to take out a membership in this exchange forthwith, or to stop carrying speculators on commission.

Q. Is [that] what you have read a true copy of the records and procedings of the Board of Directors of The Kansas City Live Stock Exchange? A. Yes sir.

Q. Were those proceedings had at a regular meeting of the directors? A. Yes sir.

Q. State, from the minutes which you hold in your hand, what directors were present at that meeting and what the minutes show with reference to them?

A. Messrs. J. N. Payne, C. G. Bridgeford, J. W. Martin, E. J. Ricks, L. A. Lennon, J. E. Cole, and W. S. Hannah.

Q. State whether or not, in obedience to the order of the board, you served any notice on Mr. Harris of the action taken by the directors at that meeting? A. I think so.

Q. Is Mr. Harris a member of The Kansas City Live Stock Exchange? A. Yes sir.

Q. When did he join?

A. His membership was favorably acted on June 27, 1895.

That the above evidence and statements of said R. P. Woodbury [is] now on file in the clerk's office of the Common Pleas Court of Wyandotte County, Kansas, in a deposition taken on

the 16, 17, 18, 21 and 22 days of December, 1896, in the case of Greer, Mills & Co. vs. John R. Stoller et al.

Affiant further says, that the volume of business carried on at the stock yards aforesaid, requires that the telegraph wires should be largely used, and that they are very largely used by commission men and stock raisers and dealers in the
93 carrying on of the business at said stock yards. That the Western Union Telegraph Co. and the Postal Telegraph Co. being the two companies which control all the telegraph wires which can be reached at Kansas City, have offices in the stock exchange building, and have employed a large number of employees and operators therein. That messages are daily sent and received by the commission men, doing business at said stock yards, to and from the various states and territories in the United States. That it is essential that the patrons of the Kansas City market, who raise stock in the states and territories tributary thereto, should be acquainted almost daily with the state of the market in order that they may have knowledge of the same and information when to ship and know the condition of the market.

That Sec. XI, Rule IX, of said exchange, which prohibits any member of said exchange from sending a prepaid telegram, quoting the market or giving information of the same, is a restriction which is detrimental to the business interests of said stock yards, and injurious to the stock growers and raisers, and an attempt to interfere with the giving out of information in regard to the market.

That a large portion of the cattle business is controlled by the commission men doing business at the stock yards aforesaid, by means of advances made by said commission men to the stock growers and raisers in the various states and territories tributary to said Kansas City market. That it is the practice and custom of the larger and many of the smaller cattle dealers, in the western states and territories, to negotiate loans with the commission men at Kansas City, and to secure the same they execute to the commission men their notes, secured by mortgages on the cattle, with the agreement and intention of paying said notes when the cattle are shipped to market and sold. That all the commission men at the stock yards aforesaid advance money secured as aforesaid to the stock raisers, and a large portion of the notes so secured are by the commission men aforesaid discounted in bank and endorsed by said commission men.

That to the knowledge of the affiant mortgages are now so held by commission men, members of said Kansas City Live Stock Exchange, at Kansas City aforesaid, to the amount of

many hundred thousands of dollars. That the profit arising to the commission man in so making advances to the
94 stock raisers consists in the commission derived from the sale of the cattle when shipped to the market, and a profit made on the discount of the paper. That at the Kansas City market the notes known as "cattle paper" draw generally ten per cent. interest, and this paper is discounted at the various banks at from five and one-half to eight per cent. interest after being endorsed by the commission man. That in the opinion of the affiant one-half of the cattle shipped to and sold at the Kansas City market is incumbered by the method aforesaid. That when such money is so loaned by the commission man to the stock raiser, it is the custom to take an agreement to the effect that when the cattle are ready for market the owner will ship the same to the commission man advancing the money and allow a commission for the sale and handling of the same.

That a large number of cattle, known as stockers and feeders, are bought by commission men at the Kansas City Stock Yards aforesaid, for stock raisers and feeders in the various states and territories, and a mortgage taken for the purchase price by the commission man before said stock is shipped out. That the stock is then taken by the stock grower to the range where he desires to feed the same, and when ready for market is reshipped back and sold by the commission man at Kansas City. That at the Kansas City market aforesaid stock is so bought for feeders in a large portion of the western states and territories tributary to the Kansas City market.

That the pens and yards at said Kansas City market are owned by the Kansas City Stock Yards Company, a corporation in nowise connected with the voluntary association known as The Kansas City Live Stock Exchange, except that said stock yards company owns the building in which all of the commission men have offices, said commission men being tenants of said stock yards company. That the pens and yards of said stock yards company are situated on both sides of the state line between Kansas and Missouri, and the state line runs through the center of said building, dividing it about in the middle and that the pens in which said stock is kept are about equally divided between Kansas and Missouri. That sales and purchases are made by the commission men at said stock yards on both sides of the line about as many sales being made in Missouri as there are in Kansas.

95 That stock shipped in from the west is nearly all unloaded in the state of Kansas, at chutes and platforms provided by the railway companies, and that a part of the stock received at said stock yards is unloaded in the State

of Missouri. That when loaded and shipped out it is so done both in Kansas and Missouri, part of the terminals at said stock yards being in one state and part in the other. That a large proportion of the cattle sold in Kansas is driven over and weighed in Missouri.

That outside of the market at Chicago, Illinois, the Kansas City market aforesaid is the largest market for live stock in the United States, and a great many states and territories are tributary thereto.

In shipping cattle from the country to the Kansas City market it is customary to arrange for what is called through billing with the railroads. That is, if a man ships cattle from Texas to Kansas City he may want to test the market there, and have the right if the market is not satisfactory, to continue the shipment on as far as Chicago or St. Louis. To do this they arrange for through billing from Kansas City to Chicago or St. Louis, as the case may be, at a through rate.

The area of country for which Kansas City is the natural market for live stock is very large and embraces Kansas, Missouri, Arkansas, Indian Territory, Oklahoma, Texas, New Mexico, California, Colorado, Utah, Wyoming, Montana, both Dakotas, Nebraska and Iowa, and I think cattle come from some other states also.

The loans that are made by commission men on cattle are made in all this territory. In shipping cattle to the Kansas City market the shipments are made almost invariably to some commission house or firm, who look after the arrival, unloading and care of the cattle after they arrive. If by any boycott or interference with the commission house or firm at the Kansas City market they are prevented from selling the cattle to the customary buyers it entails a delay, and loss in various ways. If they have to be reshipped to some other market the delay and travel causing shrinkage, a possible change in the market price and additional expense. The fact that so many cattle are sold here for packing or slaughter and for export trade shows that the market is favorable to the stock raiser and shipper. The necessity of shipping out again after
96 arrival at the Kansas City market is always a hazardous one for the reasons given.

When a stock commission man or firm tries to do business as a commission merchant at this market without being a member of the Exchange or having been a member and expelled or withdraw, the combined influence of all the members of the

Exchange is used to put obstacles in the way of his doing any business and preventing the sale by such commission man or firm of any cattle or hogs at this market. The method of doing that is by posting a notice on the bulletin board or the several boards in the Live Stock Exchange building, which under rule 16 is understood to mean a direction to all the members to not transact any business with the member so posted under the heavy penalties and forfeitures prescribed in the rules and in addition to that, they use the moral influence of the entire combination to prevent them from getting live stock from the country, and in getting the packing houses to refuse to purchase cattle or hogs from such commission man or firm. This method has been effected by the combined influence used by reason of the large numbers belonging to the Exchange in carrying out what they understand the rules have obliged them to do. Affiant knows that the firm of Greer, Mills & Co. could not sell to the packers after they were suspended while they were members of the Exchange except at periods when restraining orders from the courts prevented the Exchange from carrying out the rules referred to, and when such restraining orders were in force, the packers bought freely of them the same as other commission men; that after the firm of Greer, Mills & Co. withdrew from the Exchange, the same influence was brought to bear on the packers, and the packers refused to buy until that firm obtained a restraining order from the Common Pleas Court of Wyandotte County, which at this date is still in force, and they are now doing business, and the packing houses are buying from them because of such restraining order; that if such restraining order was vacated by the court, the influence of the members of the Exchange would again prevent the packing houses from purchasing live stock from affiant's firm. There is no other cause or reason that has made it possible for the firm of Greer, Mills &
Co. to do business and sell live stock at the Kansas City
97 market at one period of time and not in another, except
by the influence exerted by the Kansas City Live Stock Exchange and its members.

Among the influences that bring trade to the Kansas City market is the fact that commission men at Kansas City loan to stock growers and feeders large sums of money throughout the states and territories named to prepare their cattle for market, and it is the custom and usual contract that such live stock for which such loans are made to ship them to the commission men making such loans for sale at this market, and that the Kansas City Stock Yards is the only available public market for the purchase and sale of such cattle for the large territory named.

That the stock yards and pens and the tracks leading thereto are situated on both sides of the state line of Kansas and Missouri in Kansas City, and it is daily custom and the practice of the defendant commission men and firms to make deliveries of stock that is sold in the State of Kansas on the Kansas side of the State line to purchasers in the State of Missouri, and to make deliveries of stock sold in Missouri to purchasers in the State of Kansas. All the scales for weighing hogs are located on the Kansas side of the State line; also all the hog pens are located on the Kansas side; the scales for the weighing of cattle are located in both states of Missouri and Kansas; about 25 per cent. of the area of the yards are located in Missouri, and the other three-fourths are located in Kansas. The transactions of the purchase and sale, the weighing and delivery and the steps necessary to take to close a transaction of purchase and sale in most cases are partly in one state and partly in the other.

It is the custom and practice among a large number of cattle growers and shippers residing in the various states and territories, including Kansas, Nebraska, Colorado, Texas, Missouri, Iowa, Arkansas and the territories of Oklahoma, Arizona and New Mexico to consign cattle to commission men at the Kansas City Stock Yards, members of said association and the defendants herein, for sale, and to [—] drafts for various amounts on said commission merchants to whom the
98 same are consigned, and to attach the bills of lading issued by the railroad or carrier thereof for such interstate transit, and to draw money on the same from the local banks in such state or territory from which the original shipment is made which drafts are presented to the consignee, the commission men at Kansas City, and paid by such commission men in both states of Missouri and Kansas, the proceeds of which drafts are remitted by the collecting bank in Kansas City to the banks located in the various towns and cities in the western states where the said shipments originate. The transaction of the shipment and sale originates in one state and is consum-ated in another in most all cases, or the majority of cases, and [—] is often difficult to determine what transaction or transactions connected with the business in the handling of the cattle at the stock yards was consum-ated in the State of Missouri or begun in the State of Missouri, and what part was begun and consummated in the State of Kansas.

Affiant further states that each of the defendants have signed and personally agreed to abide and to be governed by the rules and regulations of the said Kansas City Live Stock Exchange, which are printed in a book for that purpose, and

appended to such book is a roll of membership subscribed by each member, by which the same is a written contract among all the members combined and associated together to jointly carry out and enforce each and every of such rules and by-laws and articles of association; that a true copy of such articles of association, rules and by-laws so signed and agreed to in writing by each of said members is hereto attached, marked exhibit "A" and made a part of this affidavit, and here referred to as fully as if set out here. That there is nearly 300 members of said Kansas City Live Stock Exchange; that by reason of their great numbers they are enabled to control an influence almost the entire trade in the purchase and sale of live stock at the Kansas City market to enforce rules 9, 15, 16 and other rules that tend to prevent free competition in the services charged for selling live stock the distribution of information to country patrons of the state of the market and the number of employees or solicitors employed by each commission man or firm for the handling of their business and to prevent a commission merchant not a member of the Exchange from transacting the business of a live stock commission merchant
99 at this market.

NORMAN B. GREER.

Subscribed in my presence and sworn to before me this 18th day of February, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28, 1898.

100 In the Circuit Court of the United States in and for the Division of the District of Kansas.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

The State of Kansas,
County of Wyandotte—ss.

A. J. Gillespie, being duly sworn, on oath states, I reside in Kansas City, Missouri, and am engaged in the live stock commission business at the stock yards in Kansas City. I am one of the firm of A. J. Gillespie & Sons, composed of A. J., T. E., L. J. and J. F. Gillespie. That said firm are members of The Kansas City Live Stock Exchange and have been for ten years last past. That when a person desires to do a commission business at said Kansas City Stock Yards, he has to buy a membership and subscribe to the rules of said exchange. That there are in the neighborhood of three hundred members in said exchange. That all of the firms doing business as com-

mission merchants are members of said Kansas City Live Stock Exchange, except Greer, Mills & Co.

I saw a notice posted on the bulletin board of said exchange, about November 17, 1896, notifying members that Greer, Mills & Co. had withdrawn from the exchange, and giving notice that the members of the exchange must govern themselves accordingly. Our firm was also served with a copy of said notice. There was also a copy left at our office. After this notice was served, it was my understanding that I
101 or our firm could not do business with Greer, Mills & Company without being liable to the penalty of a fine, or suspension from the exchange.

Before that time our firm had been trading a good deal with Greer, Mills & Company, buying and selling stock, hogs and cattle, I think mostly cattle. We bought a good many cattle of them in the last two months before the notice was posted. Since the notice was served upon us, we have done no trading with them, either buying from or selling to them. Our relations with Greer, Mills & Company have always been pleasant and our dealings with them satisfactory, and the only reason we cannot trade with them is because of the notice served on us by the secretary of the exchange. Under the custom and practice of the exchange as provided in the rules and regulations, as I understand them, we would be liable to a fine of $500 for every offense if we traded with Greer, Mills & Company, and in case of two or more violations we might be expelled from the exchange.

This notice served on us virtually shuts Greer, Mills & Co. out of the market so far as we are concerned, as we cannot afford to do business with them. If they were shut out of the market their losses would be very heavy, and the losses would be in proportion to the amount of stock they received for sale.

I have talked with several members of the exchange since the notice aforesaid, and they have stated that they did not trade with Greer, Mills & Company. It is a fact notorious and well known among members of the exchange and notorious among parties trading here on this live stock market, that Greer, Mills & Company are being boycotted in their trade by all, or nearly all, of the members of the exchange.

102 In what I have said about the boycott it applies to such time as no restraining order from the courts [were] in force against the Exchange [prohibited] the members of the Exchange from interfering with the business of Greer, Mills & Co. At this time they are now doing business and we are trading with them because of a restraining order from the Court of Common Pleas of Wyandotte County, Kansas issued

against the Exchange and its members preventing them from refusing to trade or do business with that firm by reason of the combination or association, and preventing the Exchange from enforcing rule 9 against them.

The packing houses or corporations that slaughter cattle and hogs at this market, purchase a large per cent of the cattle that are shipped to this market and nearly all the hogs. I think that 80 or 90 per cent of all the fat cattle that are shipped to this market are purchased by the packing houses. The packing houses are nearly all incorporated and their relation to the Exchange is through certain members interested in or employees of the packing companies being members of the Exchange. The packing companies or corporations as such are not members of the Exchange, but they are in touch with the Kansas City Live Stock Exchange through one or more members or representatives of such corporations being members of said Exchange. For instance, the Armour Packing Company have as members of the Exchange, K. B. Armour, S. B. Armour, and their head hog buyer, A. E. Beggs. The Swift Packing Company have as members of the Exchange E. F. Swift, and their head hog buyer, E. J. Rickes. Jacob Dold & Sons Packing Company have as members of the Exchange, J. C. Dold, and their head hog buyer named Sparrow. The Fowler Packing Company have as members of the Exchange, G. A. Fowler, and their head hog buyer, J. W. Martin. The firm or company of Schwartzchild, Sulzberger & Co. are represented by some one whose name I do not now remember. Of the Armour Packing Company A. E.

Beggs, their head hog buyer, is one of the Board of Di-
103 rectors of the Kansas City Live Stock Exchange. Of

Swift & Co. corporation, E. J. Rickes, head hog buyer, is a member of the Board of Directors of the Kansas City Live Stock Exchange. Of the Fowler Packing Company, J. W. Martin was a director up to the election this month, February 1897. The influence of the Kansas City Live Stock Exchange on all the different packing companies is such that if the Exchange have posted any one on the bulletin board as a party or firm that the members of the Exchange should not do business with under rule 16 the packing companies usually refuse to trade with such posted firm or commission man and it has the effect of preventing such posted commission merchant or firm from selling live stock shipped to the member or firm to the packing houses or companies. Our firm has always acted on the understanding of the rules, and the directions of the Exchange, through its board of directors, that when a commission house or firm was posted on the bulletin board by order of the Board of Directors of the Exchange under rule 16, that it was a direction to quit trading or doing busi-

ness with such posted member or firm, and affiant's firm has always acted accordingly. The packing houses, by reason of the large amount of live stock sold at the Kansas City market being handled by commission merchants who are members of the Exchange are largely influenced by the wishes of the Exchange and by the actions and orders of the Board of Directors. The practical effect of it is to prevent a commission firm or house from handling and selling his stuff at this market to the packing companies or others where the Exchange tries to prevent it. This concerted action is brought about through the combination made by the articles of association and rules and by-laws. If it was not for the association having the rules and by-laws now in force, any one could establish themselves as a live stock commission merchant and sell live stock for such commissions and charges as they saw fit, and make free competition as to the price charged with others and
104 with their customers from the country.

The object and effect of rule 9 is to maintain a fixed commission charge of not less than the rate named in the rule and prevent free competition among members or dealers at this market in the charges made for the purchase and sale of live stock. The object and effect of section 11 of rule 9 is to prevent the free distribution of information concerning the state of the market to stock growers and shippers in the country, and the purpose and effect of section 10 of rule 9 is to limit the number of employees each commission merchant or firm shall employ to solicit trade either in the yards or in the country. In the respects of commission charges for selling, the number of employees and the sending of information by telegraph, free competition is practically prohibited by rule 9 mentioned. And to make rule 9 effective, rule 16 practically makes a boycott or prohibition upon any one so trading at this market who refuses to be governed by rule 9. It has been the policy of the Exchange to use its influence as far as possible to compel everyone who does a live stock commission business at the Kansas City Yards to become members of the Exchange so as to make them subject to the rules, and their numbers and influence is so great they have been able so far to bring about the membership in the Exchange of all persons so trading or to practically prevent their doing a business as live stock commission merchants. While no force is used, the large numbers in the combination and the influence brought to bear by various methods has been effective.

The states tributary to the Kansas City market and that ship cattle to this market are Missouri, Arkansas, Texas, Kansas, Nebraska, Iowa, Wyoming, the two Dakotas, Montana,

Utah, Colorado, and the territories of New Mexico, Arizona, Oklahoma and Indian Territory. I think there are some others. I believe it is claimed by the stock yards Co. that live stock comes to this market from some twenty-four dif-
105 ferent states and territories. It has become a very large and a very important market for the meat product, and is the natural market for the stock growers and feeders in a very large section of country.

One of the influences that has built up this large market is the fact that millions of dollars are loaned by commission merchants doing business at the Kansas City Yards to the raisers of cattle, growers and feeders throughout that area of country to enable them to prepare the [anumals] for market. The commission man loans to some customer or party in the country on the cattle that he has at his farm or ranch for the purpose of feeding and fattening and carrying his cattle until they are ready for market. It is the custom and practice where such loans are made that the cattle on which the loan is made shall be shipped to this market and handled by the commission man making the loan. This is the commission man's plan for collecting his money and the commission charge for the sale of the cattle at this market is one of the inducements for making the loan. If the commission man was unable to sell the live stock at this market when they arrived at the yards, it would jeopardize his loan, and make an additional expense and possible loss in market price to be compelled to reship them or to sell them on some other market. The only other market that he could sell them on would be Chicago or St. Louis, and there they would have to be handled by other commission men, resulting in loss of commission, the loss by shrinkage, the loss by extra freight, if not originally billed to such other market, and possible changes in the market price.

It is customary and the usual practice that when a shipment is made by a stock grower or feeder to this market from the place where the cattle have been prepared for market, as for instance in Colorado, Oklahoma or Texas, to make a draft at the local bank where the cattle are loaded on the cars for shipment, such draft being drawn by the man making the shipment on the commission merchant at Kansas City and depositing the same in the local bank where the ship-
106 ment originates and drawing money on the same, the draft being attached to the bill of lading and by the local bank sent to some bank in Kansas City for collection. This draft is then paid by the commission merchant who by such process has advanced money on the cattle so shipped by the time the cattle arrive at the Kansas City market. This money so advanced is repaid out of the sale of the live stock

at the Kansas City market. If such sale is interfered with or prevented by any boycott or any influence brought to bear through the Kansas City Live Stock Exchange, it hinders the consummation of the transaction in accordance with the agreement of the parties and interferes with the commerce of the product to that extent. It would be a hindrance and embargo upon it, if by any combination of men a sale was prevented at the Kansas City market.

In some instances, if the stock grower or party in the country desiring to ship cattle wishes to get the benefit of through rates to Chicago or St. Louis, and may want to sell on such markets, but desires to first offer his cattle for sale on the Kansas City market, he bills them through to Chicago or St. Louis with the privilege of unloading at Kansas City and offering them at that market and even selling them there, and if they are finally shipped to the point of original billing, they can go on in the same name or any other name through to the market to which they were originally billed at the same rate. This, I understand, is done and permitted as interstate traffic with the railroads under the Interstate Commerce Laws.

The Government of the United States has established at this market a bureau of inspection under two divisions, one of which is to prevent the exportation or transportation from one state to another of diseased cattle to prevent the spread of disease among native or domestic animals—the other department being for the examination of meats to test their quality as a food product. These superintendents or agencies are appointed under the United States Department of Agri-
107 culture. Mr. Albert Dean being the Government agent at this market of the Bureau of Animal Industry whoduties relate to the quarantine of cattle and their inspection for transportation, and Dr. C. J. Sihler, Superintendent of meat inspection, having in charge the inspection of animals slaughtered for food product. The business done in live stock at this market being so far interstate in its nature that the department of agriculture has appointed the agents named for supervision for both the purposes named.

The stock yards pens, tracks, buildings, and all the facilities for the receiving, handling, feeding, watering, and shipment of live stock whether cattle or hogs are located at the State Line, between the states of Kansas and Missouri, about one quarter of the pens or yards being on the Missouri side and about three-fourths on the Kansas side. The office building in which the Kansas City Stock Yards Co. have their offices and the Kansas City Live Stock Exchange and the offices of

their members are situated on the line, the state line running through the building. In the transaction of the business of the purchase and sale of either hogs or cattle, a part of the business is transacted in one state and a part in the other state before the transaction is consummated. A sale of hogs that is made in Missouri the weighing is done in Kansas, on the Kansas side of the line where all the hog scales are located. The scales for weighing cattle are on both sides of the line. When a car or train of cattle come into the yards from the country they are unloaded and put in pens, the cattle pens being on both sides of the state line. After they are located in the pens the commission merchant goes to the pens with his customer who desires to purchase and shows the cattle; the same may be said of hogs. The customer is asked to make a bid on the cattle or hogs, as the case may be, and if they are such as he desires to purchase, and the bid is satisfactory to the commission merchant, the sale is made verbally;
108 then, the stock purchased has to go to the scales for weighing. At the weighing scales when the live stock is weighed the weigh-master fills out what is called a scale ticket, for which printed blanks are furnished, on which ticket the name of the owner, the name of the seller, the name of the buyer, the date of sale, and the weight are placed. This scale ticket is used as a slip to go to the banks, and as the evidence of the closing of the transaction for which the money is paid. The purchaser, whether a packing company or others, placing their name on the back of the ticket. When it goes to the bank in that shape it is used as money. In the different steps taken from the commencement of negotiations for sale until the sale is closed, some parts of the transactions are performed in the State of Kansas and some parts in the State of Missouri in many of the sales.

All the members of the Kansas City Live Stock Exchange are required to and do subscribe their names in a book called the membership roll that has preceding the names the articles of association, by-laws and rules. By signing their names they agree to live up to and abide by all the rules and regulations of the Exchange. That is the way they have associated themselves together as a combination to carry out and enforce the provisions of the association and its rules and by-laws. Under the custom and practice that has grown up since the organization of the Kansas City Live Stock Exchange it would be very difficult for any commission man, house or firm to carry on a live stock commission business successfully without becoming a member of the Exchange. The methods for preventing that and the hindrances put about a person so trying to do business would be very embarrassing and effective in preventing such business, unless such person was pro-

tected by the courts in restraining interference with his business.

While the owner of cattle and hogs, theoretically, can bring them to this market and sell them himself without the aid of a commission man, the methods to be gone through make it very difficult for such owner to get his cattle into and
109 out of the yards and complete the sale of same. In other words, there is too much red tape for him to get through with, so that the practice is for all shippers from the country to obtain the services of commission men to make their sales for them. While there is no rule directly forbidding commission merchants from buying and selling in the yards without becoming members of the Exchange, yet the rules are so worded and the custom and practice of the Exchange has been such as in effect to prevent them from doing business without becoming members of the Exchange, and that is the way it is understood by nearly every one trading here. The intent and purpose of the rules as they are adopted and promulgated indirectly accomplish the same purpose and are so understood in practice.

A. J. GILLISPIE.

Subscribed in my presence and sworn to before me this 18th day of February, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28th, 1898.

110 In the Circuit Court of the United States in and for the Division of the District of Kansas.

The United States, Complainant,
vs.
Henry Hopkins et al. Defendants.

AFFIDAVIT.

The State of Kansas,
County of Wyandotte—ss.

Wm. Winder first being duly sworn on oath deposes and says: That he is a member of the Kansas City Live Stock Exchange and holds a certificate of membership therein; that he has been a member of the Exchange for at least five years; that he has spent most of that time in and about the yards and part of the time in the Live Stock commission business for himself and part of the time in the employment of others as cattle buyer; affiant knows the methods of doing business [by] the Kansas City stock yards in the sale and purchase of live stock and the general source from which all the cattle come to the market, and how they are handled and

sold after they arrive here. Affiant is also acquainted with the articles of association, rules and by-laws of the Kansas City Live Stock Exchange, and the methods of doing business by the Exchange. With the exception of Greer, Mills & Co. all the commission merchants doing business at this market of buying and selling live stock on commission are members of the Kansas City Live Stock Exchange. Nearly all of the live stock, both cattle and hogs, that are shipped to this market are consigned to members of the Kansas City
111 Live Stock Exchange by the owner or shipper sending the same to this market for sale, and are handled here at the market by such commission merchants.

From my experience as a member of the Exchange doing business here at the Kansas City stock yards, and from my observation and knowledge of the methods used by the Kansas City Live Stock Exchange, and their rules and by-laws, I know it is the purpose of the exchange to prevent any one from doing business as live stock commission merchants at this market unless they belong to the exchange. They use their rules and by-laws as far as they can to effect their purpose, and supplement the rules by other methods to influence parties to join the Exchange and to force membership on all parties acting as commission merchants. The strong influence of the large numbers has its effect by reason of the large number belonging to the Exchange all working for the same purpose of preventing any outsider from doing business exerts a great influence on timid parties or parties not able to stand their ground as independent merchants. It is not intended that there shall be any competition in the rate of commission charged for handling cattle and hogs and sheep. With the business as it has grown up and is now carried on under the control of the Kansas City Live Stock Exchange with their present rules and by-laws and their large membership, it would be next to impossible for any independent or competitive commission firm or commission merchant to do business here and maintain themselves at all without they were aided by injunctions or restraining orders from the court. They are practically boycotted in their trade, and one of the methods for doing this is through the live stock commission men belonging to the exchange whose solicitors travel through the country and meet and talk with the parties who would otherwise ship the commission merchant trying to do an independent business outside of the Exchange and tell them that such and such parties are not members of the Exchange and are being boycotted and they can not sell
112 the stock of the party in the country having it to ship. They exert an influence in this way and other ways that makes it difficult for an independent member to do business

or get any business. They have a power of numbers that exerting their influence in various ways makes their boycott effective.

One of the methods of bringing about such a boycott or preventing members of the Exchange or anyone under the influence of the Exchange from trading is done through rule 16. The Board of Directors of the Exchange pass an order that the party that they direct their antagonism against shall be posted on the bulletin board, and this order is carried out by the secretary posting the bulletins on the several boards of the Exchange building the name of the party, and that such a party, if a member of the Exchange, has been fined or suspended or expelled, as the case may be, or that such party is not a member of the Exchange, and for the members to govern themselves accordingly.

This is taken to mean by the members of the Exchange that they are not to transact any business with any such party so posted, and they carry out the order by refusing to trade and by influencing as far as they can others that are not members of the Exchange.

WM. WINDER.

Subscribed in my presence and sworn to before me this 18th day of February, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

Commission expires March 28th, 1898.

113 In the Circuit Court of the United States in and for the Division of the District of Kansas.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

The State of Kansas,
County of Wyandotte—ss.

R. T. Bass, being first duly sworn, on oath deposes and says: I am a member of the Kansas City Live Stock Exchange and have been a member of same for five or six years. I am now the head hog salesman for the firm of Greer, Mills & Co., live stock commission merchants at the Kansas City stock yards, and have been selling for that firm a little over eleven months. The bulk of the hogs that are brought to this market are sold to the local packing houses here for slaughter or shipment by the packing company. During my entire business of selling hogs the bulk are sold to these packing houses and the remainder to shippers and speculators. During the period of

time that Greer, Mills & Co. were not having trouble with the Kansas City Live Stock Exchange I had no trouble in selling hogs for them to the various packing houses and to shippers and speculators when we had the kind and quality each purchaser wanted. During such periods of time as Greer, Mills & Co. were suspended for non-payment of a fine, and during the period of time since they withdrew their membership from the exchange and ceased to be members of the Kansas City Live Stock Exchange, as a general rule the packing houses and the speculators refused to purchase from me as the representative of Greer, Mills & Co. During the period of time that restraining orders from the courts were in force the most of them did purchase from me and are purchasing from me now. In
114 some cases since the trouble began and even now some of the buyers for some af the packing houses are indifferent, and it is with difficulty I can make sales to them. I am satisfied that all this difficulty in making sales or in getting the packers and speculators to purchase hogs from me as the representative of Greer, Mills & Co. grows out of the trouble Greer, Mills & Co. have had with the Kansas City Live Stock Exchange. The trouble began when Greer, Mills & Co. were fined for an alleged violation of rule 9 and the order suspending them until the fine was paid, and later on, by their withdrawing from the exchange and surrendering their certificates of membership. The class of hogs handled by Greer, Mills & Co. which I have had for sale for them were such as were readily salable on the market, and any refusal to purchase the same was because of the trouble with the exchange. Some few still refuse to purchase on account of the trouble mentioned.

R. T. BASS.

Subscribed in my presence and sworn to before me this 18th day of February, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28th, 1898.

Indorsed: No. 7402. Affidavits. Filed Feby. 23, 1897. Geo. F. Sharitt, Clerk.

115 In the Circuit Court of the United States, District of Kansas, First Division.

ORDER.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

In the above cause it is ordered that the complainant have until Wednesday, March 3rd, 1897, to file affidavits or depo-

sitions in support of the motion for temporary injunction, and the defendants to have until Tuesday, March 9th to file affidavits in opposition to said motion and complainant to have until and including March 13th to file rebutting affidavits. Evidence to be closed by affidavits or depositions March 13th, '97, and the application for temporary injunction is set for March 15th, 1897 at 11 o'clock a. m.

CASSIUS G. FOSTER, Judge.

Indorsed: No. 7402. Order. Filed Feb. 23, 1897. Geo. F. Sharitt, Clerk.

116 In the Circuit Court of the United States for the District of Kansas, First Division.

United States of America
In Equity. vs.
Henry Hopkins et al., members of the Kansas City Live Stock Exchange.

THE ANSWER OF THE DEFENDANTS TO THE BILL OF COMPLAINT HEREIN.

The defendants in the above entitled cause, saving and reserving unto themselves all manner and form of objection and exception to the manifold and manifest insufficiencies of the bil of complaint herein, for answer thereto, or to so much thereof as they are advised that it is necessary for them to thus answer, do allege and state:

1. It has long since been, and is now, the uniform custom and practice, whenever a given city or point is inclined to become a trade center or market for given property or commodities, that the formation of an exchange or board of trade is both proper and necessary in order to further the tendency to make such trade center, to build up the same and to maintain it when once established. By the common practice of mankind and in response to demands of business interests, such exchanges or boards of trade are established and maintained by the persons engaged in the branch of business under consideration, or interested in the development thereof. In some instances the organizations are formed by persons engaged in buying and selling a given product or commodity as principals, but in most of the instances such bodies are organized and maintained by parties who sell and buy a given product or commodity for others upon a commission, and known either as brokers or commission merchants. Such organizations exist in practically every city of importance in the United States, and are devoted respectively to bonds and stocks, grain, cotton and other agricultural products, live stock, petroleum

and other mineral products, and generally to all kinds and species of property which are bought and sold by per-
117 sons acting for a commission or brokerage. All of these organizations are framed upon the same model, and the provisions of their several charters, constitutions, rules and by-laws all embody these features: membership is wholly at the will of the associates, and is granted subject to the conditions prescribed by the rules of the body in question, and continues only so long as those conditions are complied with; the privileges of membership are available only to members, and all others are excluded from such privileges and from the right to deal with such members; members are subject to discipline for dishonorable conduct, failure to keep their business engagements and for other similar acts on their part; a schedule or tariff of the rates of commission or brokerage fees to be charged by the members in their dealings is prescribed, and all evasions thereof prohibited; actions or proceedings which the course of trade has demonstrated to have a tendency to cause stealthy and unfair or ruinous warfare between members are provided against; members are prohibited from dealing with persons violating the rules of the body or who have been suspended or expelled therefrom; and generally such provisions are made which, in the opinion of the business associates, based upon and sanctioned by the experience of the commercial world, do and will have the effect to inspire public confidence in the dealings of the associates, in the machinery provided for punishing dishonorable actions and for enforcing compliance with business engagements; well-known and reasonable rates of compensation to be charged by the members are prescribed and in order that competition between the members may be fair and honorable, and that the same treatment may be accorded to all employers, that evasions of such rules shall be punished. Such organizations do not engage in business, but exist simply in order to prescribe rules and provide facilities for the transaction of business by the members thereof, and to govern them by such rules and regulations as have been evolved and sanctioned by the developments of commerce and which are universally recognized to be just and fair to all concerned. Each member of said organization is left, and is in fact, free to compete, in every manner and
118 by all means recognized to be fair and just, for his share of a business which comes to the point at which the members of the organization do business. After similar live stock exchanges had been formed at Chicago and East St. Louis, Illinois, and the great benefits to the public and to the persons interested in that business at said cities had been developed, the commission merchants engaged in selling and buying live stock at Kansas City, in 1886, formed the Kansas City

Live Stock Exchange, following, in their rules, regulations and schedule of commissions, in all substantial respects, the provisions which had been made upon the same subjects respectively by the exchanges theretofore established at Chicago and East St. Louis, Illinois, as aforesaid; and that since the establishment of said live stock exchange at Kansas City, similar exchanges have been established at St. Louis, Mo., Omaha, Indianapolis, Buffalo, Sioux City and Fort Worth, and that at several points provisions of the same general nature have been made the subject of an agreement between the parties engaged in the business of selling live stock for commission without the formal organization of an exchange. The defendants herein either participated in the organization of said exchange, or have since become members thereof, and have agreed, one with the other, to faithfully observe the articles of association, rules and by-laws thereof, which provisions in full are as follows:

* * * * * * * * *

167 The officers provided by said agreement have been elected and charged with the duty of enforcing said rules, but it is not true that said Exchange is engaged in any business at any point whatsoever, such business being done by the members thereof, each on his own account and to his own profit, or at his own loss, as the case may be. The business of said members is principally done at the Kansas City stock yards. Most of said members are engaged in selling, and sometimes in purchasing, live stock for a commission, and acting for others. There are also a number of members who are engaged in managing and operating packing houses and other enterprises deeply concerned in building up and maintaining the high standing of Kansas City as a point to which live stock may be shipped for sale or at which live stock may be bought under rules and regulations insuring honesty and fidelity, and under uniform and reasonable rules and at uniform and reasonable rates of commission, and that such facilities shall be maintained for conducting the sale and purchase of live stock, that persons desiring to sell or buy the same will find it to their interest to do so. Accordingly, the persons last described, and others interested, are also members of such Exchange, and each and every member thereof voluntarily either joined in originally establishing the same, or has since become a member thereof, and that at no time has said Exchange refused to admit as such member any reputable person who was willing to comply with the conditions of membership and to abide by the rules of said organization. It is true that by reason of the high standing of the

members of the Exchange individually, the guaranties afforded by the rules to which they have subscribed, the merit of the regulations for doing business which they have established, the reasonableness of the rates of commission which are charged, and the assurance that said rules will be promptly and efficiently enforced, and the usefulness and benefits of the facilities which have been provided, induce the greater part of the live stock which is shipped to Kansas City stock yards to be consigned to some commission merchant who is a member of said Exchange, to be sold by him for and on account of the owner thereof; and it is also true that,
168 for the same reasons, the persons desiring to buy live stock at said stock yards, whether members of said Exchange or not, prefer to purchase from or by means of members of such Exchange, and thereby to secure the benefits and guaranties of the rules and regulations of said organization; and it is also true that the persons connected with said packing houses and other enterprises desirous of buying cattle, who have become members of said Exchange have thereby agreed to observe the provisions of Rule XVI of said Exchange in their dealings. But it is not true that thereby, and through such members, substantially all of the business of buying and selling live stock at said Kansas City is carried on. On the contrary, persons owning live stock and desiring to sell the same at said city are under no obligation whatever to employ a commission merchant or to employ a member of said Exchange, but are at full liberty to act for themselves in making such sales, and said Kansas City Stock Yards Company extends to such persons all the privileges and facilities afforded by said company. So, too, any person desiring to purchase live stock at said city, or employed to make any such purchase, may, and they constantly do, deal with and buy from the owners direct, and any person who desires to buy cattle at said stock yards, although not a member of said Exchange, is at perfect liberty to purchase the same from any person whatsoever, and that very much the larger part of the cattle purchased for the purpose of being fed and improved in condition are purchased without the intermediation or employment of any commission merchant whatever. It is true also that a very large number of persons do business at said stock yards who are generally known as yard traders, and who buy and sell on their own account, who are not members of said Exchange, and with whom said members deal not only freely, but cheerfully. The only restriction upon members of the Exchange is that contained in Rule XVI, to wit, that they will not deal with a person as commission merchant who violates the rules of said Exchange, or is a suspended or expelled member thereof.

Said commission merchants are in nowise concerned in the business of said Kansas City Stock Yards Company. Said company has sole charge of its yards and appliances, the
169 only connection of members of said exchange with said matters and said live stock being to execute the commission entrusted to them and to see that the interests of their employers are faithfully and conscientiously protected and furthered. While it is true that very largely by the efforts of these defendants, the high character of said exchange, the public confidence in the integrity of its members and the fairness and validity of its rules and regulations, the excellent character of the facilities provided by said organization, that Kansas City is ranked next to Chicago as a point at which more live stock is handled than at any other point in the world, these defendants are informed by counsel, and believe, that said stock yards does not constitute a public market, but is of merely a private character. The live stock coming to said stock yards is placed in proper pens provided by said Stock Yards Company, and are therein yarded until a sale is negotiated, and the commission merchant selling the same has no control or direction as to the subsequent shipment, reshipment, removal or other subsequent disposition of said live stock. Sometimes said live stock is unloaded and penned in one state and sometimes in another, but at all times a sale thereof is made wholly and completely either in one of said states or the other. It is not true that said stock yards afford the only available means or place in the territory mentioned in the bill of complaint for the sale, purchase and exchange of live stock, but, on the contrary, much the greater portion of the live stock sold and purchased in said territory is by means of negotiations and transactions at points other than said stock yards, and without the interposition of any member of said exchange; and it is only when any owner of live stock desires to ship his cattle to said yards, or an intending purchaser desires to [purchaser] at said yards, that the facilities thereof are utilized. When a commission merchant is employed to make sale of live stock consigned to said stock yards, he negotiates a sale thereof either in the State of Missouri
170 or in the State of Kansas, without regard to the then location of said live stock. With the exception of the firm of Greer, Mills & Company, which was first suspended from membership in the exchange for non-payment of a fine imposed for a violation of the rules thereof, and which subsequently voluntarily withdrew from said exchange, all of the commission merchants exercising their occupation at said Kansas City stock yards are members of said exchange.

The defendants say that whenever drafts are drawn on a commission merchant, the same are paid either at the place

where payable by the terms thereof, or on presentation of said draft to the drawee, and that such place of payment is either in the State of Kansas or in the State of Missouri, accordingly as the particular transaction is closed. The defendants are informed by counsel, and believe, that the exercise of their occupation as commission merchants does not constitute, and is not performed in such a manner as to constitute commerce between the states within the meaning of the constitution or laws of the United States. Such members have no part in or control over the disposition of live stock sold by them to others, nor of live stock purchased by them as commission merchants acting for others. It is not true that a consignee of live stock is not permitted or cannot sell or dispose of the same at said Kansas City stock yards, or that the members of such exchange refuse to buy, negotiate or deal with a non-member thereof. On the contrary, as heretofore stated, unless the person so offering said live stock for sale is a non-member commission merchant violating the rules of said body, or one who has been suspended or expelled therefrom, said members will deal with any person whatsoever, not only freely, but cheerfully. It is not true that an owner of live stock shipped to said stock yards and refusing to employ a member of said exchange, is compelled to reship the same to some other market, nor, indeed, is it true that if such owner should consign live stock to a commission merchant who was a non-member or a suspended or expelled member of said exchange, that such reshipment would become necessary, but such non-member commission merchant

171 can sell the same either to a person not a member of such exchange or willing to deal with such non-member commission merchant, or if such non-member commission merchant desires that a sale shall be made under the rules of said exchange, any member of said exchange will cheerfully serve him according to such rules. The defendants say that there is no unlawful combination among them, or the members of such exchange, or that any person is prevented from delivering live stock to the Kansas City stock yards, nor that the sale of live stock is either hindered or delayed, or that any extra expense or loss to the shipper is entailed, or that any obstruction or embargo on the marketing of live stock shipped from any state or territory whatsoever to said stock yards is placed or created. It is absolutely untrue that the Kansas City Stock Yards Company permits members of said exchange alone to transact business at its stock yards. On the contrary, said Stock Yards Company permits any person whatsoever to transact business at its yards, who will pay the established charges of that company for its services in the premises, and in point of fact, a very large part of the business done at said yards is transacted by persons who are not members of said

exchange, and without the interposition of such members. There are more than one hundred persons engaged in buying and selling for themselves and on their own account, who have their offices and places of business at said yards and who are not members of said exchange, and with whom the members of said exchange, as above stated, constantly deal, selling to and buying from them whenever the interests of their clients are served thereby. It is the first aim and purpose of said members to serve their principals and to protect and advance their interests; but they submit that they are under no obligations to extend the privileges of said exchange to a person who is a non-member thereof, who has violated its rules and been suspended from membership, and who has voluntarily withdrawn therefrom and announced his purpose to carry on his business as a competitor of the members of such exchange to the destruction of said organization and its rules and to the injury of his competitors; and the defendants further submit that they cannot be compelled to deal with a non-member of their organization, or a person violating
172 its rules, or who has been suspended for such violation, or who has withdrawn therefrom, or who has announced his intention to destroy said organization and to compete with the members thereof, nor, indeed, that said defendants can be compelled to deal with any person whatsoever, and they further submit that they had a right to establish said exchange and now have a right to maintain the same, to agree to and observe the articles, rules and regulations hereinbefore set out, and to require an observance thereof on the part of their associates so long as they desire to retain the privileges of membership in said body. They deny that any of said rules or by-laws are in restraint of trade or commerce between the states or otherwise, or that they were or are intended to create a monopoly in contravention of the laws of the United States, or in any other way whatsoever. On the contrary they charge that each and every one of said rules is in all respects legal and binding, and in harmony with the rules and regulations of commercial exchanges which have existed for more than one hundred years, and which are now to be found in every city of importance in the United States and throughout the world.

It is true that all the members of said exchange have agreed to be bound by and conform to the provisions of rule IX, set out in the bill of complaint, in the sense that by violating the same they subject themselves to the penalties therein provided, or in default of payment of a fine properly imposed for such violation, to suspension or expulsion from said organization, but free at any time to surrender their membership and to voluntarily withdraw from said body. The board of directors of said exchange have not only enforced said rule IX

against members of said exchange, but have likewise enforced, in the manner therein provided, the other rules of said body, and that on the whole more members have been disciplined for violating other rules than for violations of said rule IX.

The defendants deny that by the adoption of said articles of association, rules and by-laws, or by associating themselves together in said association known as the Kansas City Live Stock Exchange, or in carrying out the said articles, rules
173 or by-laws, or by the manner of conducting their occupation as commission merchants, or otherwise, they have conspired or confederated together in violation of any law of the United States whatsoever, or that they have agreed or confederated together to monopolize the business of buying and selling live stock at said Kansas City stock yards, or to illegally fix and establish a minimum price for buying and selling such live stock, or that they have in restraint of trade or commerce between the states, or otherwise, confederated together to prevent or restrain the free transmission of information respecting the state of the market of said Kansas City by telegraphic message or information to the various states or territories mentioned in said bill of complaint, or any one of them, or that by the adoption or enforcement of said rule IX they, or either of them, have restricted the free employment of agents or solicitors in the prosecution of the occupation in which said defendants are engaged as live stock commission merchants or otherwise. The defendants say that the rates of commission established by them are the same as those which prevail in other cities where live stock is sold through the interposition of live stock commission merchants, and that the same are fair and reasonable, and refer wholly to compensation to be made for personal services to be rendered by the associates in the exercise of their occupation as commission merchants; that the provisions of said rule IX in reference to sending prepaid telegrams reporting the state of the market, other than reports to persons who have consigned live stock to said exchange for sale, or who are desirous of purchasing live stock at said stock yards, and the provisions relative to the matter of solicitors to be employed by members of said exchange, are not only proper and reasonable, but long experience has shown that such rules are necessary in order to prevent stealthy and unfair warfare between the members, and for the protection of the members from ruinous expenditures, and for the fair, proper and honorable conduct of said occupation.

The defendants say that the purposes of the organization of said exchange and the adoption and enforcement of
174 its rules and by-laws have hereinbefore been correctly set forth, and are not as charged in the bill of complaint.

The persons who organized said exchange, and who have constituted the membership thereof from the date of its organization to the present, recognize that it would be impossible to fairly and properly conduct the sale of live stock upon commission without the existence of proper rules and an organization to establish and enforce them. That the benefits and advantages thereof and the facilities provided thereby, not only contributed largely to making Kansas City a desirable point for the sale and purchase of live stock, but have contributed more to maintain it as such and to attract customers thereto, than all other conditions combined, whereby the public has been and is being greatly benefited. Experience has shown that to the success of such an organization it is absolutely essential that there shall be a uniform schedule of reasonable commissions, and that all the members shall observe the same, and that by permitting evasions or violations of such schedule a condition is created by which irresponsible persons might and would bring about a state of unhealthy cutting of prices, a practice unfair to shippers and purchasers and ruinous to responsible persons who carry on the occupation of commission merchants fairly and with due regard to the interests of the persons employing them, and to the standing and future of the said stock yards as a trading point. The defendants admit that they desire to instill so great a degree of public confidence, to provide rules so fair and equitable and facilities so convenient, and at rates so reasonable, that persons desiring to ship cattle to said stock yards will be attracted to employ some member of said exchange to act as his commission merchant in the sale and disposition thereof. They have no purpose, however, and have had none, to prevent the shipment and consignment of live stock to persons other than themselves, nor to compel shippers to pay them the commissions provided by the rules of such organization, nor from placing their property on sale at said stock yards, without paying such commission. It is entirely optional with any such shipper whether he will make such shipment, or employ a com-
175 mission merchant, or place his property on sale at said yards; but the defendants admit that it is to the interest of every shipper of live stock to make such shipment and employment. They deny that they have had or now have any purpose to [monopolise] the business of receiving, handling, selling, buying or reshipping of live stock received at said stock yards, or raised in said states and territories and shipped to said yards, or to prevent the sale of live stock at said yards by any person not a member of said exchange, but they admit that their rules, regulations, facilities, and charges are such that it is greatly to the interest of such shippers and to the public that a member of such exchange shall be em-

ployed as a commission merchant to effect the sale of said property. They have no desire to prevent any person from acting as a commission merchant in the sale of live stock at said Kansas City, but they admit that it is not to the interest of the public, or of any shipper of live stock, to employ such non-member, and that individually and collectively, the provisions of their articles of association, rules and by-laws are invoked for the purpose of preventing the success of any competitor either in his effort to destroy said exchange or to succeed in driving the competitors of such parties from the field. Instead of having any purpose to obstruct or retard the owners of live stock in the sale and disposition of their property at Kansas City stock yards, their whole effort is to provide facilities for making such sales, to attract persons desiring to sell or to buy stock and to promote and increase the volume of business done at said yards. They say that said Kansas City Live Stock Exchange has no control over or connection with any stock yards at any other city to which cattle are reshipped or forwarded from said Kansas City.

Having fully answered, the defendants pray to be hence dismissed with their costs in this behalf most wrongfully sustained.

KARNES, HOLMES & KRAUTHOFF,
McGREW, WATSON & WATSON,
HUTCHINGS & KEPLINGER,
Solicitors for said Defendants.

C. F. HUTCHINGS,
L. C. KRAUTHOFF,
Of Counsel.

176 State of Missouri,
County of Jackson—ss.

The persons whose names are hereunto subscribed, being severally duly sworn, upon their respective oaths, do say that they are members of the board of directors of the Kansas City Live Stock Exchange; that as such and on behalf and as the representatives and agents of the defendants in this case they verify this answer, and do say that the matters and facts stated in the said answer, as of their own knowledge and information, are true, and that the matters and facts stated therein as of belief, they believe to be true.

A. E. Beggs,
M. D. Scruggs,
E. J. Rickes,
W. S. Hannah,
Jas. Keeney,
Wm. M. Schwartz,
Jno. C. McCoy,
Geo. R. Barse,
R. P. Woodbury, Sec'y,
J. T. Kiely,
Frank Siegel.

Sworn to and subscribed before me this 22nd day of February, 1897.

My commission expires April 20, 1900.

[Seal] HENRY C. PAGE,
Notary Public, Jackson County, Mo.

Indorsed: No. 7402. United States vs. Henry Hopkins et al. Answer of defendants. Filed Feb. 27, 1897. Geo. F. Sharitt, Clerk.

* * * * * * * * *

179 In the Circuit Court of the United States for the District of Kansas. First Division.

REPLICATION.

The United States, Complainant,
No. 7402. vs.
Henry Hopkins et al., Defendants.

Now comes the United States of America, saving and reserving to itself all and all manner of advantage of exception which may be had and taken to the manifold errors, uncertainties and insufficiencies of the answer of said defendants, for replication thereunto saith that he does and will ever maintain his said bill to be true, certain and sufficient in the law to be answered unto by said defendants, and that the answer of said defendants is very uncertain, evasive and insufficient in the law to be replied unto by this replicant; without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, confessed or avoided, traversed, or denied, is true; all which matters and things this replicant is ready to aver, [mainted] and prove as this Honorable Court shall direct, as humbly [as] in his said bill he has already prayed. W. C. PERRY,
U. S. Atty. and Solr. for Complt.

Indorsed: 7402. United States vs. Henry Hopkins. Replication. Filed April 5th, 1897. Geo. F. Sharitt, Clerk. W. C. Perry, U. S. Atty. and Solr. for Complt.

180 In the Circuit Court of the United States, District of Kansas.

STIPULATION.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

Now come Hutchings & Keplinger, attorneys for The Kansas City Live Stock Exchange, and enter the appearance of The

Kansas City Live Stock Exchange, and each and every member thereof, a list of the names of the members of said exchange being hereto attached and made a part of this stipulation.

It is further stipulated that if there are any mistakes in the names of the membership in the list hereto attached, or any changes in said membership from the time of the commencement of the foregoing suit to the trial thereof, that said attorneys shall and do hereby enter the appearance of every member. It being the intention of this stipulation to enter the appearance of the entire body of members of The Kansas City Live Stock Exchange, as defendants in said cause for all purposes of this case and for hearing thereof on the merits. Defendants reserve until June 7th, 1897, to answer.

HUTCHINGS & KEPLINGER,
Attorneys for Defendants.

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MEMBERS OF THE
KANSAS CITY LIVE STOCK EXCHANGE.

APRIL 1, 1896.

No. of Certificate.	NAME.	No. of Certificate.	NAME.	No. of Certificate.	NAME.
146*a*	Abbott, H. C.	126*a*	Clawson, G. W.	110	Fish, F. O.
38*a*	Abbott, Reuben.	146	Clotfelter, J. H.	29*a*	Flato, F. W., Jr.
113*a*	Adams, J. W.	168	Cole, J. E.	272	Fleming, J. A.
126	Allen, L. A.	114	Cooper, Frank	173*a*	Forest, W. B.
162*a*	Anderson, J. C.	22	Cox, R. E.	136*a*	Forsha, F. A.
230*a*	Andrews, L. B.	279	Crider, C. P	202	Foster, G. W.
60	Armour, K. B.	134	Crider, Zeb F.	102	Fowler, G. A.
59	Armour, S. B.	156*a*	Crowley, Jere.	243	Frew, LaFayette
183	Atchison, Wm.	171*a*	Crowley, J. B.		
		226	Crum, S. G.	204*a*	Gann, G. I.
105*a*	Baker, H. M.			40*a*	Garrett, C. S.
35	Baldwin, B. F.	56*a*	Daniels, C. T.	98	Gillespie, A. J.
40	Baldwin, C. P.	194*a*	Davis, C. A.	101	Gillespie, J. F.
79	Baldwin, I. J.	83	Dick, James	100	Gillespie, L. J.
258	Barnes, I. S.	261	Dixon, Charles	99	Gillespie, T. E.
31	Barse, G. R.	163*a*	Dixon, C. G.	58*a*	Grant, W. F.
247	Bass, R. T.	39	Dobyns, J. D.	221	Greer, N. B.
86	Beggs, A. E.	68*a*	Doerr, G. W.		
231*a*	Bell, G. T.	82	Dold, J. C.	157	Hale, J. E.
206*a*	Benson, Wells	27*a*	Dorsett, H. B.	291	Hall, G. T.
142*a*	Bishop, F. W.	190*a*	Dorsey, J. S.	105	Hall, J. C.
225*a*	Black, C. W.	92*a*	Drumm, Andrew	148*a*	Hall, W. W.
234*a*	Blair, J. A.	84*a*	Duke, R. H.	277	Hannah, W. S.
61	Bolen, G. W.	233*a*	Duncan, B. M.	245	Harrington, J. H.
143*a*	Booth, C. J.	193*a*	Dyer, John	212*a*	Harris, P. H.
178*a*	Boswell, E. R.			111*a*	Henderson, Alex.
108	Brinkerhoff, J. O.	82*a*	Eaman, T. J.	3	Henrici, W. C.
223	Bridgeford, C. G.	116*a*	Egan, L. M.	216*a*	Holmes, George
236*a*	Brooks, D. B.	292	Ecton, G. T.	122*a*	Hopkins, Henry
159*a*	Brown, Hamer	96*a*	Edgecomb, E. F.	213	Hunt, A. B.
63	Burnside, S. G.	145*a*	Ehrke, Fred.	296	Huston, W. F.
		113	Elmore, Wm.	92*a*	Hutton, T. S.
24*a*	Cable, M. M.	15	Emmert, J. P.	215	Hyre, D. N.
121*a*	Campbell, G. R.	274	Epperson, A. J.		
106	Campbell, G. W.	25	Epperson, Wm.	298	Inman, J. E.
252	Campbell, R. K.	6*a*	Evans, A. G.	178	Irwin, S. D.
139*a*	Campbell, S. W.	138*a*	Eubank, J. D.	124	Irwin, J. N.
87	Canon, C. R.	94*a*	Ewart, W. J.	217*a*	Isaacson, A.
255	Carroll, M. W.				
66*a*	Cassidy, A. C.	165*a*	Farmer, T. F.	42	Jackman, N. T.
67*a*	Cassidy, W. L.	191*a*	Felt, S. D.	13*a*	Jardon, F. X.
48	Child, H. P.	250	Finn, P. H.	196*a*	Jones, G. E.
172*a*	Clay, John, Jr.	235*a*	Firebaugh, J. W.	297	Jones, L. S.

MEMBERS OF THE KANSAS CITY LIVE STOCK EXCHANGE.—Continued.

No. of Certificate.	NAME.	No. of Certificate.	NAME.	No. of Certificate.	NAME.
83*a*	Jones, S. F.	133	Nute, G. H.	268	Sparrow, W. N.
		283	Nutter, L. O.	166*a*	Stanley, Madison
109	Keck, G. O.			239*a*	Standish, J. I.
281	Keeney, G. W.	112	Offutt, H. C.	172	St. Clair, M. W.
246	Keeney, I. N.	71*a*	Offutt, R. T.	243*a*	Steele, C. C.
119	Keeney, James	96	Olander, J. W.	186*a*	Steele, Michael
128*a*	Kelly, Thomas			17	Stephens, James
177	Kendricks, W. L.	78*a*	Parlin, E. M.	21*a*	Stockwell, G. W.
137	Keys, C. M.	240*a*	Parrott, P. W.	149*a*	Stoller, F. R.
118	Keys, Isaac	202*a*	Patterson, H. B.	138	Stoller, J. R.
118*a*	Kiely, J. T.	289	Patton, T. B.	18	Straight, H. L.
76	Kirk, E. F.	66	Payne, J. H.	175*a*	Swazey, E. L.
69	Knollin, A. J.	90	Payne, J. N.	149	Swift, E. F.
164*a*	Knopp, Louis	32	Pieronnet, C. A.		
		253	Pieronnet, R. R.	224	Tamblyn, W. L.
34	Ladd, T. E.	64	Penny, A. W.	1*a*	Talbot, E. E.
249	Ladd, W. L.	4*a*	Peters, Clay	189	Taylor, J. F.
155*a*	Lane, H. H.	127	Peters, M. S.	295	Taylor, W. H.
207	Larimer, W. H. H.	91*a*	Peters, O. C.	45	Theis, Henry
21	Larmon, J. E.	227*a*	Peters, S. D.	212	Timmons, T. F.
106*a*	Lazarus, Sam'l	209	Pierson, G. H.	208	Tinkham, W. P.
81*a*	Lee, T. B.	224*a*	Pierson, W. E.	160*a*	Titsworth, J. P.
9 *a*	Leigh, Chas.	209	Prigg, R. H.	2	Tower, H. B.
259	Lennon, L. A.			238*a*	Trowbridge, E. E.
195*a*	Lincoln, H. S.	116	Reed Gilman	285	Trower, Harry
220*a*	Lusk, L.	229	Reed, H. N.	286	Trower, O. B.
		57	Reid, W. J.	287	Trower, S. R.
55	Martin, J. W.	215*a*	Rice, D. R.	150	Trower, Thomas
84*a*	Martin, L. T.	185	Rice, M. W.		
135*a*	McAlister, W. B.	211	Rickes, E. J.	122	Underwood, D. S.
120	McCoy, F. W.	167*a*	Robinson, C. O.		
68	McCoy, J. C.	24	Rogers, W. A.	128	Verner, M. J.
254	McCoy, Woodson	159	Rust, Eugene		
181*a*	McDonald, T. F.	147*a*	Ryan, R. W.	1	Waite, J. H.
240	McIntosh, J. S.			168*a*	Waite, J. F.
219*a*	McMurray, J. P.	176	Salisbury, John	7*a*	Walden, G. M.
6	Means, C. G.	200*a*	Sanders, G. W.	180*a*	Walker, S. R.
8	Means, C. H.	201*a*	Sawtell, W. H.	203*a*	Wallingford, H. E.
7	Means, W. W.	273	Scaling, Samuel	11	Welch, B. L.
44*a*	Megredy, J. T.	156	Schulz, F. W.	209*a*	Welch, J. A.
133*a*	Miller, A. A.	81	Schwartz, W. M.	245*a*	Welhener, F. W.
208*a*	Miller, W. O.	280	Scroggin, J. C.	127*a*	Wells, R. N.
23	Mitchener, F. B.	182	Scruggs, M. D.	210	Westfall, G. W.
228*a*	Moffett, F. S.	222*a*	Shaeffer, C. A.	130	White, L. E.
229*a*	Moffett, John	134*a*	Shirley, C. H.	38	White, R. C.
265	Montgomery, P.	207*a*	Shoemaker, T. C.	110*a*	Wilhite, J. R.
43	Moore, W. F.	237	Siegel, Frank	187*a*	Wilson, Erasmus
46	Morse, C. F.	43*a*	Simcock, J. H.	187	Wise, R. H.
30*a*	Mustion, A. T.	222	Smith E. M.	111	Woodbury, R. P.
		5*a*	Snider, A. J.	48*a*	Woods, S. P.
164	Neff, J. H.	220	Snider, C. A.	67	Wright, William
25*a*	Nichols, G. N.	75	Southee, J. K.		
130*a*	Noel, W. A.	188	Sparrow, H. M.		

a New Series Certificates.

Alexander, J. S.	Curtis, W. E.	Elliott, A. J.
Cowgill, James	Holmes, Benj.	Michael, W. A.
Grabenheimer, Sam'l	Holmes, Geo., Jr.	Hargis, J. R.
Tamblin, G. S.	Holmes, Guy	Jones, D. L.
Lloyd, E.	Baker, Josiah	Robinson, T. G.
Warren, A. H.	Ketcham, P. H.	McWilliams, G. A.
Russell, J. R.	Olinger, David	Peters, J. P.
Lloyd, E.	Robertson, J. D.	Sander, F. O.
Shelby, T. C.	Sulphen, J. A.	Young, L. F.
Blanchard, M. F.	Burwell, M. F.	

Indorsed: No. 7402. The United States, complainant, vs. Henry Hopkins et al., members of the Kansas City Live Stock Exchange. Stipulation entering appearance of all members of the exchange. Filed April 30th, 1897. Geo. F. Sharitt, Clerk.

182 In the Circuit Court of the United States for the District of Kansas. First Division.

United States of America
v.
Henry Hopkins et al., as members of the Kansas City Live Stock Exchange.

The persons whose names are hereunto subscribed, being duly sworn, upon their respective oaths do state:

They are informed by their counsel in this case that all of the matters and facts alleged in the bill of complaint herein have been fully covered, traversed and explained by the answer herein, which has been duly sworn to and which the affiants hereby adopt as part of this affidavit. They are also informed that on the 19th day of February, 1897, their counsel were served with certain affidavits verified by Norman B. Greer, A. J. Gillespie, William Winder and R. T. Bass, the greater part of which, so affiants are informed by their counsel, do not relate to or have any bearing upon the allegations of the bill of complaint, but consist of extraneous matters having reference to private controversies between the firm of Greer, Mills & Company and the Kansas City Live Stock Exchange and between said Greer, Mills & Company and certain individual members of said exchange. Many of the matters in said affidavit are stated upon hearsay, or in terms so general and indefinite that these affiants are unable to treat them in detail. They say that the articles of association, rules, regulations and by-laws of said Kansas City Live Stock Exchange were entered into and adopted without reference to said Greer, Mills & Company, or any particular person and without any knowledge or intimation that said Greer, Mills & Company would subsequently become parties to the same, or be in anywise affected thereby. The members of said firm, in
183 the year 1892, applied for membership in said exchange, were admitted thereto, signed the articles of association, rules, regulations and by-laws and bound themselves to keep and perform the terms and provisions thereof. Several years ago the said firm violated the same, but such violation was excused and the penalty imposed therefor remitted on the faith of a specific promise by said firm that they would thereafter faithfully keep and observe the same. In the year 1895, the members of said firm, after due notice and proper hearing, were found guilty of having again violated said rules, and certain fines were imposed upon them. The payment of these fines was refused, and the board of directors, as required by the rules of said exchange, suspended said members, which suspension now remains in full force and effect. Subse-

quently the said Greer, Mills & Company, voluntarily withdrew from said association and surrendered their membership therein. The articles of association, rules, regulations and by-laws of the Kansas City Live Stock Exchange are in all substantial respects, duplicates of those of the Chicago Live Stock Exchange, and in many respects are literal transcripts thereof; that the members of said Greer, Mills & Company have long since been members of said Chicago body, and still are such members, and at various times members of said firm have been officially connected with said Chicago exchange, and one of them now has such connection; that upon their withdrawal from said Kansas City Live Stock Exchange, the said firm announced its purpose to destroy the said body and its usefulness and to enter into active competition with the members thereof, along lines violative of and contrary to the rules of said exchange and elected to exercise their occupation as commission merchants as non-members of said exchange and without any of the privileges extended to members thereof.

The affiants say that there never has been, at any time, or by any person, to the knowledge of the officers and directors of said exchange, any effort, attempt, or purpose to "boycott" said Greer, Mills [—] Company, and that if there had been such effort, attempt, or purpose, these affiants would have known the same, but that ever since their suspension
184 from membership, and their withdrawal from said exchange, the said Greer, Mills & Company, their agents and representatives, have been industriously circulating and advertising that they have been subjected to a "boycott" for the purpose of creating sympathy for themselves and exciting animosity against said exchange and the members thereof and laying the foundation for litigation in the various courts. The affiants say that Messrs. Wallace, Popham & Beggs, who are the authors of the alleged letters and telegrams set forth in the affidavit of Norman B. Greer, were, at the time of sending the same, solicitors and agents for said Greer, Mills & Company, and affiants believe that said communications constitute a part of the plan and purpose of the said Greer, Mills & Company to manufacture evidence tending to show that they have been subjected to what is known as a "boycott." That in truth and in fact, none of the officers or directors of said exchange, nor any member thereof, by or with the knowledge, authority or consent of said officers, directors or organization, have, at any time, directly or indirectly, in thought or in deed, sought or intended to go beyond the precise and literal provisions of the articles of association, rules, regulations or by-laws of said exchange in their treatment of said Greer, Mills & Company, their representatives and agents, either individually, or in the carrying on of their business, or in the

exercise of their occupation as commission merchants. The officers and directors of said exchange and the members thereof, so far as they have acted or spoken by authority, have always treated the controversy as involving simply a question whether members of said exchange will observe their obligations under rule 16 thereof, or elect to withdraw from said exchange and to deal with said Greer, Mills & Company as commission merchants in preference to retaining such membership. There is not now, and never has been, the slightest difficulty in Greer, Mills & Company selling live stock belonging to them at the Kansas City stock yards in the same manner as other owners of live stock may sell the same, and no member of said exchange would hesitate for a moment to buy live stock belonging to said Greer, Mills & Company, or
185 any other non-member of said exchange. Nor is there the slightest objection to the purchase by Greer, Mills & Company, of any live stock at said stock yards from members of said exchange, or non-members thereof. The only point of controversy is whether said Greer, Mills & Company, as suspended members of said exchange, are entitled to compel members of said exchange to deal with them in reference to live stock which the said Greer, Mills & Company are offering for sale as commission merchants and as competitors to the members of said exchange who are engaged in the same occupation, or to compel those members of said Live Stock Exchange, who, although not engaged in the commission business, are interested in the maintenance of the benefits and advantages of the exchange, to purchase live stock from the said Greer, Mills & Company, which they offer as commission merchants. If the said Greer, Mills & Company desire to act as commission merchants in violation of the rules of said exchange, and in competition of the members of said body, there is nothing to prevent non-members from dealing with them if they so desire, nor to prevent any member of said exchange from dealing with them if such member prefers to sever his membership in said exchange.

The affiants say that there are at the Kansas City stock yards, a large number of persons engaged in buying and selling live stock on their own account who are known as yard traders or speculators, who, to the number of 125 or more, have formed a Traders' Exchange for the protection of their interests, and that with very few exceptions, the members of said Traders' Exchange are not members of the Kansas City Live Stock Exchange, and are free, at their pleasure, to deal with whomsoever they may choose. It is also a fact that a large number of persons attend said stock yards for the purpose of purchasing live stock to use as feeders or stockers, and that such persons are not members of said exchange and are

free to purchase from whom and as they please, and do, in the great majority of cases, purchase without the employment of a commission merchant and without regard to whether the person from whom they are buying is a member of said
186 exchange or not.

The affiants say that the persons engaged in operating packing houses at said Kansas City, recognize, as do the persons engaged in commercial pursuits in all the large cities of the world, that the establishment and maintenance of an exchange is not only an absolute necessity to the proper transaction of business, but a decided advantage to the public. By means of the rules of said exchange, honorable conduct is inculcated and required to be observed in all transactions; bad faith, extortion and failure to keep business obligations are punished, and methods and facilities are provided by which the business is done expeditiously, fairly, honorably, and in the interest of all concerned. More violations of rules in respect of these matters have been made the occasion of discipline by the Kansas City Live Stock Exchange and generally by commercial exchanges throughout the United States, than for other causes. It is a feature of every commercial exchange composed of persons acting as brokers or commission merchants in the sale of property, to fix a schedule of reasonable and minimum commissions and to require the same to be observed and to prohibit any evasion of the same. The reasons for this are universally recognized, that thereby all the elements of a fair and healthy competition are fully preserved, and that the interests of shippers and buyers are alike protected.

If persons were allowed to proceed at a trading point such as the Kansas City stock yards, with its great volume of business, without definite rules to govern their transactions, great confusion would result; there would be a want of adequate facilities, and numerous instances of wrong-doing would go undetected and unpunished. If each commission merchant were left to arrange his compensation with his employer, a ruinous condition of competition would be instituted and the utmost confusion result. Irresponsible persons would institute a cutting of rates, or a rate war, for the sole purpose of attracting a temporary custom without regard to the interests of their clients or the future standing of the market; that responsible parties engaged in said occupation,
187 whose interests and desires are to maintain the high standing of said exchange and of said city and stock yards as a trading point for the sale and purchase of live stock would either have to permit such parties to destroy the reputation thereof, which has been built up by long years of honor-

able dealing and by other attractions afforded by means of said exchange, or bring ruin and disaster upon themselves by likewise undertaking to do business at said ruinous figures. The rates provided for are no higher than the fair and reasonable compensation for the services rendered, and are the same as those which prevail at other stock yards, and the number of commission merchants belonging to said exchange and the facilities afforded by the rules and instrumentalities of said body are universally recognized and complimented as fully adequate to all the needs and demands of the public and of the persons engaged or interested in the purchase and sale of live stock at said city. Referring to the allegations of the bill of complaint verified as absolutely true, by Norman B. Greer, to the effect that members of the Kansas City Live Stock Exchange alone were permitted by said Kansas City Stock Yards [—] to transact business at its stock yards, affiants say that the same is absolutely and unqualifiedly false, and is contradicted, not only by the affidavits to which their attention has been called, but that in the Kansas City World, of January 17, 1897, there was published, in a special edition, intended for unusually wide circulation, the following advertisement:

J. E. GREER, FRANK O. MILLS, JESSE SHERWOOD, } Chicago.
WALLACE FINCH, GEO. MINKEL, F. O. MORGAN, } St. Louis.

GREER, MILLS & CO.

LIVE STOCK

COMMISSION MERCHANTS.

The only firm doing business independently of and NOT A MEMBER OF THE K. C. LIVE STOCK EXCHANGE.

N. B. GREER, Manager and Cattle Salesman.
R. T. BASS, Hog and Sheep Salesman.
WM. WINDER, CLAY G. MOYES, } Stocker and Feeder Buyers.
JOS. H. THOMSON, Office Manager.

Rooms 230 and 231, Kansas City Stock Yards.

Your Interests are Absolutely Safe in Our Hands. Consign to us and Receive the Highest Market Prices.

We keep our accounts with the following banks: The Drovers' National Bank, Chicago; The First National Bank, Chicago; The Stock Yards Bank, Nat'l Stock Yards (East St. Louis), St. Clair Co., Ill: The National Bank of Commerce, St. Louis; The Interstate National Bank, Kansas City Stock Yards.

We will send you the Kansas City World on application.

188 The affiants further say that in the same edition, under the heading of "Some of the people who have made Kansas City the greatest stock market in the world," were

published wood cuts of the features of over 100 members of said exchange, including cuts of persons bearing superscriptions as follows: J. E. Greer, of Greer, Mills & Company; Frank O. Mills, of Greer, Mills & Company; Norman G. Greer, manager of Greer, Mills & Company; James H. Thompson, office manager of Greer, Mills & Company and R. T. Bass, of Greer, Mills & Company, a copy of which publication is hereto attached and made a part hereof, marked Exhibit "A." These affiants believe that it is true as stated in said publication, that the members of the Kansas City Live Stock Exchange have in fact, raised Kansas City to the position it now occupies as an important center of live stock interests of the United States, and also believe that no greater injury could be inflicted upon its enviable position in that respect than the dissolution of the said exchange and an interference with the existence of the articles of association, rules, regulations and by-laws thereof, which have produced a result so eminently beneficial to the public, and so confessedly of advantage to all concerned.

E. J. Rickes,
W. S. Hannah,
A. E. Beggs,
M. D. Scruggs,
Wm. M. Schwartz,
Frank Siegel,
Jno. C. McCoy,
Geo. R. Barse,
R. P. Woodbury, Sec'y,
Jas. Keeney,
J. T. Kiely.

Subscribed and sworn to before me this 22nd day of February 1897.

[Seal] HENRY C. PAGE,
Notary Public, Jackson Co., Mo.

My commission expires April 20, 1900.

* * * * * * * * *

198 Indorsed: No. 7402. United States vs. Kansas City Live Stock Exchange. Affidavits for defendants. Filed May 31, 1897. Geo. F. Sharitt, Clerk.

199 In the Circuit Court of the United States for the District of Kansas, First Division.

United States
v.
Henry Hopkins et al.

State of Missouri,
County of Jackson—ss

The undersigned, being duly sworn, upon their respective oaths do say that they are now, and have been since the years stated opposite their respective names, engaged in the occupation of live stock commission merchants at the Kansas City stock yards and have been during all that period, familiar

with the rates of commissions charged by such merchants at said yards. They have been informed that some one has made an affidavit that since the organization of the Kansas City Live Stock Exchange such rates of commissions have been increased. Such is not the fact; on the contrary, the very reverse is the case, and said rates have been substantially decreased by the rules of said exchange as originally agreed upon and by amendments thereto from time to time. The fact in question is well and generally known to all persons who have been doing business at or with said yards during the period since they were first opened. Any statement to the contrary must be based upon want of knowledge or embody a decided mistake. Business at said yards was first opened about 1871. The commissions for selling cattle at that period were fifty cents per head and no distinction was made because a car contained more than a given number. These commissions continued until the exchange was organized in 1886, when it was provided that if a car contained more than twenty-four head, only $12 should be charged. The commissions charged for selling hogs, sheep and calves in 1871, computed per head, were the same as at present, but in mixed carloads, the
200 rates are substantially lower under the rules of the exchange than they previously were. The rates prescribed by said rules are as low as those which prevail at any other live stock trading point, and in many respects lower than those which prevail at some of said points. From long experience, it is a conceded fact that the rates prevailing at Kansas City are not only reasonable and satisfactory to all fair-minded shippers and other persons doing business at said point who are informed on the subject, but they are as low as such services can afford to be rendered at by reputable, responsible and competent commiss'on merchants. We believe that an examination into the matter will disclose that the necessary expenses of conducting the occupation of commission merchants at said Kansas City stock yards, for rent, salesmen, book-keepers, clerks, solicitors, telegrams, postage, and incidentals, will aggregate from fifty to seventy per cent of the amounts earned as commissions, leaving the balance only as net returns to the parties; and that these returns, unless it be in rare and exceptional cases for a limited period, do not yield more than a living return on the capital invested and labor done; for the greater part, the members of said exchange, although they have been engaged in the occupation for years, are possessed of limited means only.

(Signed)	R. C. WHITE,	1873.
	WM. A. ROGERS,	1871.
	GEO. HOLMES,	1875.
	J. H. WAITE,	1882.
	JNO. E. HALE,	1874.
	GILMAN REED,	1871.

Sworn to and subscribed before me this 9th day of March 1897.
[Seal] JOHN H. THACHER,
Notary Public, Jackson County, Missouri.
My commission expires Dec. 10, 1899.

Indorsed: 7402. United States vs. Henry Hopkins et al. Affidavits for deft's. Filed May 31, 1897. Geo. F. Sharitt, Clerk.

AFFIDAVITS IN CHIEF FILED BY COMPLAINANT.

* * * * * * * * *

249 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

Depositions taken before me by consent, notice waived, this 1st day of March, 1897, in my office in the Exchange building at the Kansas City Stock Yards. Taken on behalf of plaintiff.

R. P. Woodbury being first duly sworn deposes and says: I am the secretary of the Kansas City Live Stock Exchange, an unincorporated association having its chief offices in the Live Stock Exchange building at the Kansas City stock yards at the State line between Kansas and Missouri, my office being in Kansas City, Mo. I am a resident of Kansas City, Mo. I have been secretary of said exchange ever since the date of its organization in 1886. I have the keeping of the records and books of the Kansas City Live Stock Exchange including the articles of association, rules and by-laws and the roll of membership, and am the proper custodian of the same.

The articles of association, rules and by-laws are in a book kept for that purpose in which the members on joining the association enroll their names or subscribe their names. Each member joining the association is required to subscribe his name in this book among the roll of members as agreeing to the articles of association, rules and by-laws. The book attached to the defendants' answer in this case is a true copy of the articles of association, rules and by-laws of said Kansas City Live Stock Exchange, as the same appears in the book in which is kept the roll of members. The list of names attached to this affidavit marked "Exhibit A" is a correct list of the members of the Kansas City Live Stock Exchange up to March 1, 1897, and the same is made a part of this deposition. The minutes of the board of directors kept by affiant as secretary has the following entries under date of November 17th,

1896, a copy of which entries taken from said minute book are in words and figures as follows, to wit: "The secretary reported that the following communications from Messrs. Greer, Mills & Co. had been handed to him on November 16, 1896, accompanied by the certificates of membership therein referred to." The board acted upon my report as above stated and the record of the action of the board appears in the minutes a copy of which minutes taken from said book are given in Exhibit "B" hereto attached and made a part of this deposition. After the board of directors had taken this action they caused a copy of said resolutions of the date of Nov. 17, 1896, to be posted on the bulletin boards in the Exchange building at the Kansas City stock yards, and the same was posted the same date as the resolution. Affiant turns to the minutes of the action of the board of directors of June 3rd, 1895, and states that in relation to the case of one P. H. Harris, who was at that time doing business in or about the Exchange building, and was carrying speculators on commission, the same being the kind of business done by some of the commission merchants, at that time P. H. Harris was not a member of the Kansas City Live Stock Exchange. In the minutes of the proceedings of date June 3rd, 1895, I find the following entry: "Mr. P. H. Harris was also invited before the board to make a statement if he was carrying speculators on commission. It was ordered that he be instructed to take out a membership in this exchange forthwith, or to stop carrying speculators on commission." What I have read is a true copy of the records and proceedings of the board of directors of the Kansas City Live Stock Exchange, and were the proceedings had at a regular meeting of the board of directors. Afterwards Mr. Harris took out a membership or obtained a certificate of membership, and became a member of said Kansas City Live Stock Exchange. His membership was favorably acted upon June 27, 1895. Affiant is shown a letter of date Nov. 5, 1895, written by affiant as secretary of the Kansas City Live Stock Exchange addressed to Miss Jennie Goodwin, a copy of which letter is in words and figures as follows:

"Miss Jennie Goodwin, City.

Dear Miss: At a regular meeting of the board of di-
251 rectors of this exchange held yesterday afternoon, I was instructed to notify you that the time for your obtaining a certificate of membership in this exchange was extended until January 1, 1896. Respectfully yours,

(Signed) R. P. WOODBURY,
Secretary."

(Order of board of directors.)

On cross-examination by Mr. Hutchins the witness saith: Miss Goodwin, the person referred to above, had made an ap-

plication for membership in the exchange, and on Sept. 10, 1895, I had written her the following letter:

"Sept. 10, 1895.

Miss Jennie N. Goodwin, City.

Dear Miss: At a regular adjourned meeting of the board of directors of this exchange held yesterday your application for a membership in this exchange was favorably considered.

Respectfully yours,

(Signed) R. P. WOODBURY."

Subsequently, I think some time in December, 1895, at a meeting of the exchange the members being called together for the purpose of considering the proposition to present Miss Goodwin with a membership free of charge, prior to any action, a letter was received from Miss Goodwin declining to accept a membership as a present, and no further action was ever taken. Referring to the matter of P. H. Harris, I would say that several other persons engaged in business at the stock yards were requested by the exchange to become members, but declined to do so, and no action whatever was taken with reference to such refusal, and the persons so invited, but refusing to become members, continued business unmolested by the exchange. There is no record, since the organization of the exchange, of any action of any kind whatever having been taken by the exchange upon the refusal of any person when invited to become members.

(Question by Mr. Mills, redirect): What person or firm is now doing business as a live stock commission merchant at the Kansas City Stock Yards that are not members of
252 the exchange? Give the names.

Ans. There are none unless it be Greer, Mills & Co. I think Miss Goodwin was doing business of commission merchant at the time and prior to the correspondence above referred to with her concerning taking out memberships. I don't know the date she quit doing a commission business.

R. P. WOODBURY.

Subscribed in my presence, and sworn to before me this 2nd day of March, 1897.

[Seal] ARTHUR RUBLE,
Notary Public.

My commission expires Jan. 22, 1898.

* * * * * * * * *

254 EXHIBIT "B."

Kansas City Live Stock Exchange,
Kansas City, Mo., Nov. 17.

My Dear Sir: At a meeting of the board of directors of the Kansas City Live Stock Exchange, held this date, the following resolutions were unanimously adopted:

Resolved, that the withdrawals of Jefferson E. Greer, Frank O. Mills and Jesse Sherwood, composing the firm of Greer, Mills & Co., from membership in the Kansas City Live Stock Exchange, and the surrender of their respective certificates of membership in said exchange, bearing numbers 59-A, 60-A and 241, be, and the same are hereby accepted; and,

Resolved, That the said acceptance shall be without waiver of, or prejudice to, any rights which this Exchange, or the members thereof, may have against the said Greer, Mills and Sherwood, or either of them, by reason of the fines heretofore assessed against them, because of their violation of the rules of this Exchange; nor shall acceptance operate to relieve said Greer, Mills and Sherwood, or either of them, from the liabilities and penalties resulting from, or incident to, said fines, and the non-payment thereof, and their suspension from membership because of said non-payment; and

Resolved, further, that the secretary be directed to cancel said certificates and to erase the names of said Greer, Mills & Sherwood, from the list of the members of this Exchange, and that he notify said parties of this acceptance of their withdrawal and surrender; and also that he notify the members of this Exchange of such facts and that said Greer, Mills & Sherwood, composing the firm of Greer, Mills & Co. are no longer entitled to any of the privileges of membership in this Exchange, but stand as suspended therefrom, and also as having surrendered the same and every part thereof; and that all members of this Exchange be notified to govern themselves accordingly. Very respectfully,

(Signed) R. P. WOODBURY."

255 In the Circuit Court of the United States for the District of Kansas, First Division.

AFFIDAVIT.

The United States, Plaintiff,
vs.
Henry Hopkins et al., Defendants.

James Plummer, of lawful age, being first duly sworn, deposes and says: He is a resident of Kansas City, Mo. That he has been dealing in live stock, mostly cattle, at the Kansas

City Stock Yards, for seven or eight years last past. That his business consists of buying and selling on this market for himself and on his own account, or what is commonly known as a speculator. The class of cattle affiant buys for the most part, are fat cattle, and bought to resell again on his own account on speculation. Some of the cattle affiant sells to local packers, but the bulk of the cattle he buys here are sold to parties who ship them to other markets for slaughter. Affiant is not a member of the Kansas City Live Stock Exchange, and never has been, and is not a member of what is known as the Traders' Exchange, but is what is called a speculator, buying on his own account and selling on his own account, usually buying from a few head up to a car load at a time. Affiant has never done what is known as a commission business or the buying and selling for others on commission charged for services rendered.

Affiant's long experience in business at the stock yards in Kansas City has made him familiar with the methods of doing business at this market by the Kansas City Live Stock Exchange. With the one exception of Greer, Mills & Co., no one is doing business at this market as live stock commission merchants except members of the Kansas City Live Stock Exchange. With the exception mentioned all parties, either persons, firms or companies that are doing business at this
256 market as commission merchants, that is, buying and selling for others, and charging a commission for the services rendered in buying and selling, are members of the Kansas City Live Stock Exchange. The large bulk of live stock that is bought and sold at this market is handled by the live stock commission merchants; I may say nearly all of the live stock brought to this market are so handled for a commission by the members of the Exchange. What I buy as a speculator and what I sell as a speculator, is from or to these commission merchants. What is known as the Traders' Exchange are persons composed of speculators who do about the same kind of business as I do, and they buy all their stuff of commission merchants, members of the Exchange, and sell to commission merchants, members of the Exchange. The commission merchants in buying or selling to the speculators, handle the stock so sold or purchased for others who pay them a commission for services rendered.

Where one undertakes to do a business at the Kansas City Stock Yards of the nature and kind transacted by the commission merchants, that is either buy or sell on commission, he is required to take out a membership and become a member of the Kansas City Live Stock Exchange. In affiant's opinion and from his observation of the methods employed by the

Kansas City Live Stock Exchange, a person, firm or company could not transact the business of a commission merchant at this market without taking out a membership in the Exchange. One of the classes of business done by the commission merchants is the purchase of what is called feeders brought to this market for sale to parties in the country who buy for the purpose of taking out to their farms or ranches and feeding the same and preparing the same for market by putting on more flesh. Affiant, as a speculator, is not permitted to trade in that kind of live stock. If affiant should undertake to buy feeders and to sell them to the countryman for shipment out of this market for the purpose of feeding, the members of the Exchange would boycott affiant. That
257 is done in this way: My purchases would be from commission men, members of the exchange. Not being a member of the Traders' Exchange, the speculators known as the Traders' Exchange, numbering now between one and two hundred would make complaint to the Kansas City Live Stock Exchange, and such complaint would cause the members of the Exchange from whom I buy to quit selling to me, and in that way would shut me out of the business. The same works the other way in a man trying to do a commission business without belonging to the Kansas City Live Stock Exchange. If a man undertakes to sell on commission without taking out a membership in the Exchange, complaint is made to the Kansas City Live Stock Exchange and the members of said exchange influence one another and influence the members of the Traders' Exchange not to deal with them, to quit buying from and selling to them, and in that way they are shut out of business. I know it is considered against the rules of the Kansas City Live Stock Exchange to permit any one to do a commission business at this market without their being members of the Kansas City Live Stock Exchange. The large number belonging to the exchanges through their combined influence exercise a great power in preventing a person or firm in doing business here whom they don't want to do business. One of the methods of giving directions and notice to the members of the Exchange and others that a person is trading in violation of the rules or is doing a commission business without belonging to the Exchange is by posting up notices on the bulletin boards. These bulletin boards are put up in conspicuous places in the halls of the Exchange building. Members and other traders at this market seeing such notices posted up understand that no trading is to be done with such posted person or firm, while the Exchange is against such person trading. They know by such posting that it is the will of the Exchange through its officers and members that such per-

son so posted shall as far as possible be prevented from trading or doing business in that line.

The location of the Exchange building in the stock
258 yards wherein the members of the Exchange all have their offices and the ready access to all parts of the yards and all kinds of business done in the yards [—] that the combined action of the members of the Exchange in carrying out the rules and enforcing obedience to them makes it next to impossible for a person or firm to do a business when the Exchange undertakes to prevent it. Affiant in his experience and observation in the Kansas City Yards has in several instances observed the effect upon the business of persons or firms against whom the Kansas City Live Stock Exchange were directed to prevent their doing business. In each instance affiant knows that the combined effort of the Exchange, when so directed against such person or firm, has been sufficient to materially damage the business or entirely prevent the business of such person or firm antagonized by the Exchange. The mere power of numbers is an important factor, but in talking with members of the exchange affiant knows they consider their agreement to abide by the rules so strong and binding on them that they refuse to do business with such person or firm posted or antagonized by the Exchange, and often go outside to influence others against trading with such person or firm. It seems to be the purpose of the Kansas City Live Stock Exchange to prevent anyone from doing a live stock commission business unless they are willing to become members of the Exchange and agree to all the rules and by-laws whether good or bad. Affiant has named one exception of the firm of Greer, Mills & Co. doing a commission business. In the case of this firm, as affiant understands it, they are doing business under the protection of a restraining order from some court preventing the Exchange from interfering with their business.

The pens for yarding cattle and feeding and watering same and for taking care of the same while they are waiting for sale are located on the state line between Kansas and Missouri, part being in one state and part in the other. In affiant's business it is almost an every-day experience for affiant to
purchase cattle that are located in pens in Kansas and
259 that are driven over the line and put in pens in Missouri before the transaction is entirely closed, and also the other way where purchases are made in pens that are located in Missouri, and during the negotiations and it is necessary to the closing of the transaction, they are shifted to pens in the State of Kansas. The location of the yards, pens,

tracks, scales, and chutes for loading and unloading in these yards are such that in the ordinary way of handling the cattle in the dealings of the same, and the purchase and the sale of the same a part of the transaction occurs in one state and a part in the other, and it would be difficult to tell in all cases what part was to be done in one state and what part in the other in the completion of the sale of the live stock. This does not arise from any intention or purpose of shifting from one state to the other, but is made necessary on account of the locality of the yards and the way all the different facilities for handling the stock have been constructed and placed. The same may be said about the money transactions in paying for cattle or live stock. Part is done in one state and part in another. No attention is paid to the state line and we do not know any difference in the transaction of business between one state and the other.

Affiant has often read notices posted up on the bulletin boards in the Exchange building wherein the attention of the members of the Exchange [were] called to the rules prohibiting trade with the person or firm named in such posted notice and from the interpretation given by the members themselves knows that it is in that way [—] give notice to members and others that the rules require them not to trade or do business with them.

Affiant's partner is a member of the Traders' Exchange, and some months ago, affiant's partner told affiant that the Traders' Exchange to which he belonged had given him notice not
trade with Greer, Mills & Co. and the reason for it was
260 that they had been posted for violating the rules about
commission charges. It is through such methods that the Exchange make their antagonism effective in boycotting and ostracising a person or firm who is not a member or who being a member is suspended. JAS. PLUMMER.

Subscribed in my presence and sworn to before me this 2nd day of March, 1897.

[Seal] JENNIE M. GOODWIN,
Notary Public.

My commission expires March 24th, 1900.

261 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

Wallace L. Morris being of lawful age and first duly sworn, deposes and says: My business is in the Exchange building

at the Kansas City Stock Yards. I do a great deal of collecting for one commission house located in this building, and collections in the building for other parties in the building, and am also a stenographer and do shorthand work for various commission houses in the Exchange building. I am familiar with the methods of doing the business of collections and payments by checks and drafts in payment of live stock purchased and sold at this market. The state line runs through the building and the offices of the different commission firms and houses are on both sides of the state line. About three-fourths of the offices of the commission houses are on the Kansas side of the state line, and about one-fourth on the Missouri side. In the payment or money transactions concerning the closing of a purchase or sale of any transaction including a deal for live stock, the title order is made out by the commission house making the sale. This consists of a ticket addressed to the Stock Yards Company directing them to deliver to the purchaser whose name is written in the order, and to whose account the delivery is made, and whose account they are sold for, and giving the number of block and pen in which the cattle are situated, and the date. This is signed by the commission merchant making the sale, and is delivered to the commission merchant or party making the
262 purchase. It takes the delivery of this order to pass the title of the live stock. When this order is delivered the title passes. It is the custom and ordinary every-day practice for the commission merchant situated on one side of the state line to issue such sale order from his office and send it to the office of the commission merchant or party making the purchase in the other state and there receive the check or payment for the same, making it necessary in the closing of the transaction to do business on both sides of the state line, before a sale is completed. What I have said about this written title order to the Stock Yards Company does not apply to the packing companies, as they have what is known as an open order to drive stock from the yards and who protect the stock yards by a bond, as I understand it. The scale ticket for cattle weighed up from commission firms to packing houses go through the bank the same as a check after the commission firm delivers a ticket or title order to the stock yards company transferring the ownership of the cattle or stock to the packing firm purchasing same. Upon receipt of the transfer ticket the yard company stamp across the face of scale ticket the words "Order Received" and the date. This is necessary before the bank will accept the scale ticket for collection. As the packing houses and commission houses are located on both sides of the state line and all the details of making a sale or purchase including the weighing, delivery

and payment, require certain things to be done by the commission man, the packing company, and the stock yards company, and a part of such transactions being done on one side of the state line and a part on the other, very few if any transactions either in buying or selling live stock are entire in either state, but do require some part of the business to be done in both states.

WALLACE L. MORRIS.

Subscribed in my presence, and sworn to before me this 3rd day of March, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28th, 1898.

263 In the Circuit Court of the United States for the District of Kansas, First Division.

AFFIDAVIT.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

J. B. Harrelson being of lawful age and duly sworn deposes and says: I live at Belton, Mo., and have lived there all my life. My business is farming and feeding cattle, that is, growing or producing and feeding cattle and shipping same to market. I have been in that business for more than twenty years. I feed and ship annually from 600 to 1000 head and have been doing so for the past two or three years. Prior to that I did not ship quite so many. I have shipped my cattle to this market at Kansas City for the most part during the last three or four years. I used to ship, formerly, to St. Louis and to Buffalo, New York. I am familiar with the methods and agencies for handling cattle at the Kansas City Stock Yards, when shipped to those yards for sale. I know there is such an organization as the Kansas City Live Stock Exchange. It is composed for the most part of live stock commission merchants, whose business is at the Kansas City yards, to sell and buy for others, live stock, and charge a commission for their services in buying and selling. I know in all my shipments that I have had to employ the services of commission men to handle my stock in the yards both in buying feeders at the stock yards and in selling my cattle after they were prepared for slaughter or shipment. When shipping to this market I always consign the shipment from my station at Belton to a commission firm at the stock exchange direct, and such commission firm receive, look after yarding and care of the stock in the yards, and find purchasers for the same,

and for which they charge a commission of 50 cents per
264 head. If I ship my cattle to this market consigned to myself, and come here with them to handle them for myself, and save the commission, and made a practice of doing that I am satisfied I would not obtain the fair market price. I would be ignored by the buyers under the influence of the combined membership of the exchange, as I had not patronized the commission men in the payment of their 50c. per head. The object of the commission man being to get this 50c. per head for selling, and the object of the combination of all the commission men being to enforce the regulations requiring the payment of fixed commission, I never would be able to handle my own stock in selling the same at this market and get fair play and the market price. I know this from my experience and observation in shipping to this market, and in my experience in dealing with the commission men here. I have given this matter a good deal of thought and consideration and I believe it would be wise if the by-laws were annulled, so that the feeder and shipper could come to this market and be free to make such an agreement with the commission merchant as they mutually agree for commissions without the commission men being subject to the by-laws of the exchange, whether the price agreed upon be 10 cents or 50c. per head, and not make him subject to penalties and expulsion from the exchange for having agreed upon such price for commissions as he saw fit to take for his services. I believe there should be no restrictions placed in this market that would prohibit the feeder and shipper from making a private agreement either in the purchase or sale of his stock. Under the business at it is now done and the methods for handling cattle here as they now exist under the organization of the Kansas City Live Stock Exchange and their relation to the packers and scalpers, no feeder or shipper can get along at this market without paying a commission of 50 cents a head for either selling stock shipped here for sale or for buying the feeders taken to the country to fatten."

J. B. HARRELSON.

Subscribed in my presence and sworn to before me this 3d day of Mch., 1897.

[Seal] JENNIE M. GOODWIN,
Notary Pub.

My commission expires March 24th, 1900.

265 In the Circuit Court of the United States for the District of Kansas, First Division.

AFFIDAVIT.

The United States, Plaintiff,
vs.
Henry Hopkins et al., Defendants.

Jennie M. Goodwin, being duly sworn, deposes and says: That some time in August, 1896, she commenced doing business in the Live Stock Exchange at the Kansas City Stock yards as a commission merchant to buy and sell live stock for others on commission. Very soon after she had commenced such business as a commission merchant affiant was notified by the secretary of the Kansas City Live Stock Exchange that she must take out a membership or quit doing business as a commission merchant at the Kansas City Stock Yards. What I have stated was the purport of the notice given affiant. Affiant has made search for the letter that contained such notice from the secretary, but has been unable to find the same. That letter has been mislaid or lost. Affiant, however, remembers that the purport of it was that she could not continue to do business as a commission merchant without taking out a membership in the exchange.

On receiving such notice affiant made an application for membership in the exchange accompanied with the payment of a $25.00 fee required with the application. On September 10th, 1895, after the notice to affiant as above stated, and after she had made application for membership, she received a notice by letter from the secretary that her application had been favorably considered, a copy of which letter is as follows:

Sept. 10, 1895.

Miss Jennie M. Goodwin, City.

Madame: At a regular adjourned meeting of the board of directors of this exchange, held yesterday, your appli-
266 cation for a membership in this exchange was favorably considered. Respectfully yours,

R. P. WOODBURY, Secretary.

At the time this letter was received by affiant, September 10th, she was not then prepared with the money to pay for a membership, the price of which at that time was $1000, consequently, some delay occurred, and she was waited upon by some of the members of the board of directors of the exchange, who inquired of her when she was going to take the membership, and stating to her that she had better obtain the membership. Affiant still not being prepared to pay for a mem-

bership, the board of directors on the 4th day of November, or about that time, at a regular meeting of the board of directors, called affiant in the directors' office, and made inquiries of affiant as to when she could take out the membership, and stating to affiant that they had been very [very] lenient towards her, and that she had better take out a membership right away. Affiant answered that she would like to have them give her such time as would enable her through her business to obtain the money and get the membership; and affiant thinks it was on the same day or the 4th day of November that the board instructed the secretary to notify affiant that the time for her obtaining the certificate of membership was extended until January 1, 1896, and the secretary on November 5, gave the notice to affiant by letter, a copy of which is as follows:

Nov. 5th, 1895.

Miss Jennie M. Goodwin, City.

Dear Miss: At a regular meeting of the board of directors of this exchange held yesterday afternoon, I was instructed to notify you that the time for your obtaining a certificate of membership in this exchange was extended until January 1, 1896.

Respectfully yours,

R. P. WODBURY, Sec.

(Order of the board of directors.)

Affiant still being unable to pay the money, some of affiant's friends had a special meeting called of the board of directors and stockholders of the exchange, more properly speak-
267 ing, members of the exchange, as a collective body, to consider the question of issuing to affiant a certificate of membership as a gratuity or to make a gift of the same.

Affiant heard of the purpose of calling such meeting, and also of expressions from some members of the exchange that they were opposed to the issue of a membership without its being paid for, and also feeling a delicacy about accepting a certificate on such terms, and preferring to wait until such time as she could obtain a membership in the regular way by paying for the same as others did, affiant wrote a letter to the secretary to be read at the meeting thanking the members who had taken the interest in her and who had been instrumental in having the meeting called, but declining to accept the membership on such terms. The meeting, as she understands, was adjourned without any further action being taken. That was some time in December, 1895. After the first of January, 1896, and after the expiration of the time given affiant to obtain a membership, affiant was reminded either by letter or by the secretary or some of the officers of the exchange telling her that she must procure a membership, and

there would be no further extension of time given her. I knew that if I did not take out a membership the members would refuse to buy from me and I would [loose] my business. They did not tell me in so many words that I would have to quit business, but I knew that was what they meant and they would have all the members refuse to buy from me, and that I could not, as a woman, single-handed and alone, afford to get the combined exchange against me. I therefore soon after the first of January 1896, quit the business of live stock commission merchant, and have since that date had an office in the exchange building as a stenographer and notary public.

At the time I quit business as commission merchant there was some suit pending in the courts that I thought would
268 determine the question of whether one could do an independent commission business at the Kansas City Stock Yards without becoming a member of the exchange, and I at that time thought if the right was established for one to do a live stock commission business without having to be a member of the exchange at this market I would resume business the following June, as I supposed the controversy would be settled by that time. It has not been settled yet, and the only commission merchants that I know of doing business at this market without being members of the exchange is a firm by the name of Greer, Mills & Co., and I understand that they have restraining orders of the courts to enable them to do business. As I did not have any money for litigation and could not afford to antagonize the exchange or to carry on a legal controversy in the courts I have been waiting and carrying on the other business I have mentioned, stenographer and notary public, as a means of livelihood.

I would add further that during the time I was carrying on a commission business in the sale or purchase of live stock on commission I was having a very satisfactory business, and making some money. I never had any trouble with any of my patrons in the country or elsewhere and they never found any fault with me, nor did they have any trouble about remittances or make complaints of any kind. I did not discover but what I was transacting a business as satisfactory to my patrons as well as to myself as any of the gentlemen engaged in the same business at the stock yards.

JENNIE M. GOODWIN.

Subscribed in my presence, and sworn to before me this 2nd day of March, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28th, 1898.

269 In the Circuit Court of the United States for the District of Kansas, First Division.

AFFIDAVIT.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

J. F. Chapin being of lawful age and first duly sworn deposes and says: I live at Kansas City, Mo., and am now a cattle buyer and trader at the Kansas City Stock Yards. I was at one time a member of the Kansas City Live Stock Exchange. I sold out my membership about three years ago, and am not now a member of the Live Stock Exchange. I am a member of what is known as the Traders' Exchange, composed of something more than one hundred men whose business is to buy and sell on their own account and for their own use, live stock at this market. They buy and sell on speculation. They do not do the business of commission merchants of buying and selling for others for a compensation for services rendered. I have been doing business in one capacity or another at the Kansas City Stock Yards for about twenty-four years. I am familiar with the methods of doing business by the members of the Kansas City Live Stock Exchange, and with the objects and purposes of the organization itself. It is the purpose of the exchange to control the business of live stock commission merchants. That is to say, to compel all persons who do a business at this market on commission to belong to the Exchange by taking out certificates of membership therein, and to regulate the method of their doing business by fixed commission charges, and in other matters. Under the articles of association, rules and By-Laws of the Exchange and the interpretation placed thereon by members of the exchange, and the methods and customs of doing business here, it is ut-
270 terly impossible for any person, firm or corporation to do a live stock commission business at this market without taking out membership in the Exchange. In case a person, firm or corporation undertakes to do a commission business at this market without taking out a certificate of membership in the Exchange, the members of the exchange decline to do business with him, and their names are posted on the bulletin boards in the exchange building, and when so posted the members under the rules, have to refuse to transact any business with the person so posted. I have seen from time to time posters on the bulletin boards giving the names of parties so posted. From my long experience here at the stock yards I know it would be useless for a man to come here and

engage in the commission business without being a member of the Kansas City Live Stock Exchange.

The yards, pens and facilities for handling and selling live stock at this market are situated on both sides of the state line between Kansas and Missouri. It may happen and frequently does happen that in the sale of any one bunch or car load of cattle, part of the business connected with such sale would be on both sides of the state line; the cattle may be purchased in pens on the Kansas side and before the transaction is completed by weighing and payment, the cattle be transferred into pens and weighed over scales on the Missouri side, and the reverse often happens, where cattle are purchased on the Missouri side of the line and the transaction completed by payment on the [Missouri] side. For convenience in handling in pens, and in separating one bunch or class of cattle from another during the progress of a transaction of a purchase and sale, cattle are driven back and forth from pen to pen on different sides of the line, and part of the same carload of cattle or shipment will be sold both in Missouri and Kansas. A large proportion of the shipments received at the Kansas City stock yards are in the shape of mixed carloads of stock, that is, a car will contain cattle and hogs, or cat-
271 tle and sheep, or cattle and horses, all belonging to the same owner. The cattle will be yarded and sold from pens located on the Missouri side of the line, and the hogs will be sold from pens located on the Kansas side.

J. F. CHAPIN.

Subscribed in my presence, and sworn to before me this 3rd day of March, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28th, 1898.

Indorsed: No. 7402. Affidavit for Defendants. Filed May 31st, 1897. Geo. F. Sharitt, Clerk.

272 In the Circuit Court of the United States for the District of Kansas, Eastern Division.

AFFIDAVIT.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

The State of Kansas,
County of Wyandotte—ss.

James H. Thomson being first duly sworn, deposes and says: That he is a resident of Kansas City, Missouri; that he

is cashier and bookkeeper for the firm of Greer, Mills & Co., a live stock commission firm doing business in the Exchange building at the Stock Yards; that he has been cashier and book-keeper for said firm for about five years last past; that he has been connected in some capacity with the stock yards at Kansas City ever since 1881; that he is familiar with the organization and methods of doing business of the Kansas City Live Stock Exchange; that said Exchange has a membership of about 300, mostly composed of commission merchants who have their offices in the Exchange building located on the State line between Kansas and Missouri. That for some years the Kansas City Live Stock Exchange have tried to control the entire business of buying and selling live stock on commission at the Kansas City stock yards market; that in effect the Exchange has prevented anyone from doing a commission business in the purchase and sale of live stock, who refused to become members of the Exchange. From time to time the Exchange has increased the price charged for membership, and the price now fixed for a certificate of membership is $2500. That by reason of the large number belonging to the Exchange and the small compass of the yards they have been able to influence and control the buying and selling of live stock and prevent anyone from doing such business without being members of the Exchange.

To prevent anyone other than a member of the Exchange from doing business as a commission merchant, various methods are employed. One method is under rule 16 of the by-laws of the exchange when one has refused to join the exchange or having joined, withdraws therefrom, the
273 board of directors pass a resolution directing the Secretary to post on the bulletin boards the resolution or the order of the board naming the member or firm so refusing and directing all the members of the Exchange to act accordingly. This is understood to mean that they shall refuse to do business or trade with such member so posted. The bulletin boards are in the halls and public places of the Exchange building where they are read by all persons coming into the building and who are on the lookout for orders and directions from the board. Other methods are to notify by letter each member of the association, and such other parties as they desire to influence, of the action taken by the board. Another influence brought to bear is the talk and conversation by the members of the Exchange among themselves and others in and about the Exchange building and the yards by which they have a power by reason of their combination and concerted action to intimidate and overawe those who are inclined to trade, but who are influenced not to do so by reason of the

fines and penalties and forfeitures imposed by the rules and by-laws upon the members of the Exchange if they refuse to carry out the resolution or order of the board of directors. Another means of boycotting and preventing the trade of commission men who are not members, is to circulate reports through the country through their solicitors and otherwise, that the person or persons so posted have no right to do business as commission merchants, and that they can not handle the stock of the grower or party having live stock to ship, should they be shipped to such a person or persons so posted. The combined influence of the large numbers directed to the common purpose of preventing such person or persons from trading has been sufficient so far to influencing all persons undertaking to trade at the Kansas City Stock Yards as live stock commission merchants to join said Exchange and agree to the rules, by-laws and regulations, including those that are contrary to public policy prohibited by statute and in restraint of trade.

At this time among all the members of the Kansas City Live Stock Exchange, or rather I mean among all the persons, firms or corporations that are doing business as live stock commission merchants at the Kansas City stock yards, the only persons or firms still doing business as such commission
274 merchants who are not members of the Exchange is the firm of Greer, Mills & Co. Affiant testifies from his own knowledge of the business of that firm that it is by and through the restraining order of the Court of Common Pleas of Wyandotte, Kansas that enables the firm of Greer, Mills & Co. to continue business at this market. That affiant was with the said firm of Greer, Mills & Co. during all the time of their trouble and litigation with the Kansas City Live Stock Exchange that said firm of Greer, Mills & Co. were at the time [of] the affiant was employed by said firm members of the Kansas City Live Stock Exchange. That the trouble commenced between that firm and the Exchange about October, 1895 over a fine imposed by the Exchange on a pretended charge that some salesman or employee of the firm had given back or rebated some small part of a commission in two transactions amounting in the aggregate to about six dollars of the commission so rebated, and for which the Exchange proceeded to fine the firm of Greer, Mills & Co. in the sum of one thousand dollars and threatened to suspend them from all rights of membership until such fine was paid. That before the order of the board of directors was made suspending said firm as a means of collecting said fine a restaining order was obtained from the District Court of Wyandotte County, prohibiting such suspension and restoring the membership, rights and privileges of said firm until the further hearing

by said court. That during the period that such restraining order was in force the members of said Exchange, the packing houses and others continued to deal with the said firm of Greer, Mills & Co. and their trade went on about as usual. On the hearing of said application for a temporary injunction the District Court of Wyandotte County denied the injunction to said firm on the ground of their contractual relation and that they could not be heard in a court of equity to complain as long as they belonged to and were members of said Exchange. Immediately after said restraining order was dissolved by said court a large number of the members of said Exchange by concerted action insisted that Greer, Mills & Co. had no rights to trade as commission merchants and used their influence in various ways to prevent the said firm of Greer, Mills & Co. from carrying on the business of commission merchants. They made this purpose effective through
275 the combined effort of the whole membership under the direction of the President, Secretary and board of directors, and affiant knows from his taking care of each transaction that the trade of Greer, Mills & Co. was injuriously affected during the period of time between the dissolving the said restraining order and the time when the record in the case was filed in the court of appeals for the state of Kansas, Eastern Division, Northern Department, and a temporary restraining order obtained there until the case could be heard there on review. Immediately upon serving the restraining order issued by the Court of Appeals the boycott or influences used to prevent the firm of Greer, Mills & Co. trading was lifted and their trade continued as usual, until the final decision of the Court of Appeals, which decision sustained the judgment already made by the District Court of Wyandotte County on the ground that complainants were members of the Exchange and that the main purpose of the Exchange was the enforcement of rule 9, prohibited by the Kansas statute, and to grant them relief would be to continue them members of a combination in violation of the criminal statute of the state of Kansas, and to enable them to continue a violation of law that prohibited them being members of such an illegal body. This decision of the order of the court at that time made dissolved the restraining order that had been issued by the Court of Appeals and again the combined influence was brought to bear on preventing the firm of Greer, Mills & Co. from doing any business. Newspaper articles were published containing the result of the suit, the solicitors for the various commission houses traveling through the country spread broadcast the news that Greer, Mills & Co. had been suspended, had lost their suit with the Exchange, and could not do business at the Stock Yards, and growers and feeders of

cattle who were patrons of that firm were intimidated from shipping to them for fear they could not sell their live stock shipped to the Kansas City market by reason of the influence and combined effort of the Kansas City [Life] Stock Exchange. Members of the Exchange and all persons they could influence, including the packing houses at the Kansas City market refused to trade with or purchase any stuff from Greer, Mills & Co. They were during this period of time unable to sell a large number of car loads of hogs and cattle that were
276 shipped to them at the Kansas City market. The cattle had to be re-shipped to Chicago at a loss to the owners of additional freight, shrinkage and extra expense and liable to a change in the market price. The hogs had to be turned over to other commission men to sell at a loss to Greer, Mills & Co. of their commissions. Money had been advanced on hogs and the firm had to lay out of that until Judge Philips of the United States District Court of the Western District of Missouri had issued a restraining order mandatory in its nature restoring that firm to its privileges during the pendency of the suit in that court. The officers of the Exchange prohibited the members of the Exchange to whom both cattle and hogs were turned over to sell, from recognizing the firm of Greer, Mills & Co. in the transactions and compelled the commission firms to treat direct with the shippers of the hogs and cattle in their remittances of the proceeds of sales.

A suit being commenced in the United States Circuit Court for the Western District of Missouri, Judge Philips issued a restraining order of such a nature as to prohibit interference with the business of that firm and restoring them to rights and privileges of members until the further hearing. During the period that such restraining order was in force the firm of Greer, Mills & Co. were again able to do business and the members of the Exchange including the packing houses purchased live stock from them, but such restraining order was finally dissolved and the firm denied an injunction on the ground of their membership and contractual relation holding that while members of the Exchange they could not be heard in a court of equity without bringing into court all the parties that were members of the Exchange, and as some of the members lived in Kansas, and could not be brought within the jurisdiction of the court, the bill would have to be dismissed for want of jurisdiction. A suit was then immediately brought in the court of Common Pleas of Wyandotte, Kansas for injunction prohibiting the Exchange and the members thereof from interfering with the business of Greer, Mills & Co. or refusing to trade with them, and from influencing others from trading with them and commanding them to permit

Greer, Mills & Co. to do a commission business at said market without hindrance, and such order is still in force and
277 under the protection of same the said firm of Greer, Mills & Co. are now doing business, but not to the extent as before as the good will of the Exchange is against them and certain influences being exerted at all times both in the country and in the stock yards to annoy them and detract from their business as much as possible.

That affiant knows without the protection of the restraining orders now in force from the court of Common Pleas of Wyandotte County the firm of Greer, Mills & Co. would be prevented from doing a commission business and from transacting the business of sale and purchase and sale of live stock at the open market at Kansas City.

Through the custom practiced and methods of doing business by the Kansas City Live Stock Exchange, they have control of the sale of hogs so as to prevent any sale of hogs being made, except by being docked at the time they are weighed. By dockage is meant that a certain amount of weight is deducted for piggy sows or stags and rough hogs. The stock Yards Co. has given the control of the docking of hogs to the Live Stock Commission Exchange so that all hogs that are sold, immediately after the weighing and as they go off from the scales are inspected by what is termed dockers, employed by the Kansas City Live Stock Exchange, and such dockers inspect and determine arbitrarily how much shall be deducted for [biggy] sows, stags and rough hogs. No sales of hogs are made without going through that process. By this custom or device the sale of hogs to that extent is under the management and control of the Kansas City Live Stock Exchange. If a commission merchant is out with the Exchange or is trying to do business in the sale of hogs and are not members of the Exchange, the Live Stock Exchange can prevent their selling hogs by refusing to let their hogs be docked, and in the case of Greer, Mills & Co., while no restraining order was in force the dockers reported that they were instructed not to dock the hogs handled or sold by Greer, Mills & Co. It is the custom and practice to have the hogs docked before the packing houses will purchase same, or in other words the packing houses located at Kansas City stand by and acquiesce in the system of dockage created by the Kansas City Live Stock Exchange, and before purchasing any hogs, it is expected that they will be docked before they will purchase. Nearly
278 all the hogs sold at this market are purchased by the local packers. The local packers are all connected with the Exchange through certain representatives of the Packing Houses being members of the Kansas City Live Stock Ex-

change, and through such representative membership and through the influence of the large numbers belonging to the Exchange are influenced by the will and direction of the Exchange in dealing with or not dealing with such parties, commission houses and firms as the Exchange do business with or are members thereof. During the period of time that Greer, Mills & Co. were not protected by restraining orders of the courts the local packers were influenced by the Exchange not to trade with the firm of Greer, Mills & Co., or to buy their hogs or cattle. Of the cattle sold at the Kansas City market, nearly all the fat cattle are sold to the local packers for slaughter here or at their packing houses elsewhere. The firm of Schwartzschild & Sulzberger may export some of the fat cattle that they buy.

The influence of the combined membership of the Kansas City Live Stock Exchange according to their custom and practice has been and is such as to prevent free competition in the purchase and sale of live stock by commission men unless such commission men, firm or commission house becomes a member of the Exchange. They not only prevent such competition among the members of the Exchange, but through the Exchange influence local packers and other traders and the growers and feeders and farmers in the country who have stock to ship to this market. By this influence and combined and concerted action they are able to ruin the business of any one person, firm or house that undertakes to do a business and compete on commissions, charged for selling or buying, or who employs more than the limited number of solicitors named in the rules, or who send free information to the country of the state of the market, and it is the purpose of rule 9 to prohibit any such competitive business or the charging of less commissions for the sale or the purchase of cattle or hogs or sheep [then] that fixed by the by-laws, or the employment of larger number of men to solicit business than the number fixed by the by-laws, [or the employment of larger number of men to solicit business than the number fixed by the by-laws],
279 or the sending out of free information to the country patrons, farmers, feeders or shippers of the state of the market. That by the mere force of numbers and the influence that each and all can bring to bear, the Exchange so far has been able to prevent persons other than members of the Exchange from trading in this market as commission merchants without their becoming members and agreeing to their rules and by-laws.

In the case of Greer, Mills & Co., after they had surrendered their membership certificates of each and all the members of the firm, and had ceased to be members of the Kansas City

Live Stock Exchange, the Board of Directors passed a resolution and order directed to the Secretary to post the names of Greer, Mills & Co. on the bulletin boards, and directing each and all the members not to do business with them, and from the time of such posting the members of the Exchange exerted their influence with members and others to prevent them from carrying on the business of live stock commission merchants and would continue to do so but for the protection of the courts through restraining orders or injunctions. This is done by influencing parties who purchase cattle or hogs and other live stock at this market from purchasing from them, and by influencing parties in the country from shipping live stock to them.

That the Kansas City Stock Yards consisting of a large area of ground on both sides of the state line between the states of Kansas and Missouri, divided off into pens and traversed by paths, drive-ways, fences, railroad tracks, overhead bridges, viaducts, cattle chutes, office buildings and all facilities for the handling, weighing, unloading and reloading onto the cars of live stock are owned by the Kansas City Stock Yards Co. That the Kansas City Stock Yards Co. is of a public nature, invested with a public interest, clothed by law [in] a corporate capacity, having charge of all the necessary facilities for transacting the business of the Exchange, sale, and conversion into food products of the cattle, hogs and sheep that come from sundry states and territories by shipment over railroad to a public market. That Kansas City, through the facilities furnished by said Stock Yards Co., and through the large slaughter and consumption of meat, has become second in the United States of the markets of its kind; that said
280 Kansas City Stock Yards Co. has rented office rooms to the members of the Kansas City Live Stock Exchange, and the Kansas City Live Stock Exchange, and all its members thereof, are tenants in the Exchange building owned by said stock yards company; that the Kansas City Live Stock Exchange have no interest in the ownership of the Exchange building, pens, tracks, or the facilities for taking care of and handling live stock shipped to said market. That said Kansas City Stock Yard Co. invested with its public interest in connection with said market has no right to aid, or assist said Exchange in preventing, hindering or annoying any person, firm or corporation from doing business as live stock commission merchants at said market and in said yards, but it is the duty of said stock yards company to see to it that all have equal facilities, rights and privileges who desire to do such business at said market.

By reason of the complicated character of the sale or purchase of live stock, as the business has grown up at said market, it is difficult for a person not acquainted with the yards and the methods of doing business to go through with all the steps necessary from the time of the arrival of a car of stock from the country into the yards, the unloading, putting in pens, feeding, watering, weighing, and delivery to the purchaser and the closing of the money transaction of settling for same to get through without the aid of someone experienced in the methods of doing business at the stock yards. For that reason, very few, if any, farmers, stock growers or feeders, who own the cattle in the country, and ship them to this market for sale, undertake to sell their own cattle or live stock at this market, but employ live stock commission merchants, men located at the stock yards, who are experienced in all the details and methods of doing business at the yards to assist them in handling their stuff as it arrives at the market and selling it for them. Out of this necessity has grown up the business of the live stock commission merchant, and for this service a commission is charged which includes the sale or purchase, as the farmer may desire, including the taking care of the stock, or seeing to their care, and handling, from the time of their arrival at the stock yards in cars to the closing of the
281 transaction by payment of the purchase price, and the proceeds thereof delivered to the owner or shipper. There is nothing in the nature of the business of a live stock commission merchant that makes it necessary for such commission merchant or firm or house to belong to a combination or exchange. The only object for a combination of membership of men doing a commission business is to prevent competition in the charges to be made or to effect some other result which only could be done by combination of numbers and their concerted action, which would not be effected if there was entire free competition.

It has been the custom and practice and is now the custom and practice for any man in the country who has live stock to ship to the Kansas City market to way-bill them at the place of loading on cars for shipment in the country to a commission house or firm at the Kansas City stock yards in the Exchange building, and on the arrival at the Kansas City Stock Yards of such car of live stock, the commission man or firm to whom they are billed or consigned to take charge of them by sending men to the train and drive them or cause them to be driven into the yards and be put in proper pens, and see that they have water and feed, which water and feed is furnished by the Kansas City Stock Yards Co., and the feed and yardage charge is charged to the commission firm to whom the stock is

billed or consigned. The commission firm or house then carry out the directions of the shipper in the sale of the same, and the disposition of the proceeds. By reason of their experience and acquaintance at the market the commission firm or their employees know who at this market are buyers for the class of cattle or live stock so shipped to them, and take such buyers or their representatives to the pen to examine the stock and purchase the same. When a bid is made or a bargain agreed upon the commission house or their employees attend to seeing that the stock is weighed and the purchase money paid in due form and remittance made to the owner of the stock shipped.

Outside of the rules and by-laws of the Kansas City Exchange the owner of the live stock so shipped and the commission man or house would have the right to make such bargain as they pleased for the charges for the services rendered as above stated, for selling, and all the members of the Live Stock Exchange would be in competition with one an-
282 other and the commissions charged would have its influence in obtaining trade and affect the amount paid to the owner and shipper of the proceeds of his live stock. Before the formation of said Exchange and the adoption of said rules, the commissions charged were about one-half of what they have been since.

The live stock that is shipped to this market are grown and raised in different states and territories, including Missouri, Kansas, Arkansas, Texas, Louisiana, Indian Territory, Oklahoma, New Mexico, Arizona, Colorado, Idaho, Wyoming, Montana, Nebraska, the two Dakotas, Iowa and others. When shipped from such territories into the state of Missouri, or the stock yards situated in both Kansas and Missouri, they are sold for slaughter or consumption for use as a food product into other states than those of the original shipment, and become mingled with and a part of the property of other states and territories than the states and territories in which the same originated, and from which the original shipment began.

It is often the practice and the custom when a shipment is made at any railroad station in any state or territory, for the owner or shipper when the live stock is loaded into cars and a bill of lading made to consign the same to a commission house at the Kansas City market, and then go to a bank located at where the shipment originates and draw a draft on the commission house for some portion or all of the market value of the same. This draft is made on the commission house to which the live stock is shipped and taken to a local bank at the place of shipment and money drawn on same or the draft cashed.

The local bank then sends such draft with the bill of lading attached to its corresponding bank at Kansas City for collection. The bank at Kansas City then presents the same to the commission house for payment, and the commission house paying the draft in this way advances money on the cattle or live stock before receiving, or before the arrival of the live stock so shipped into their possession in the yards. Any interference or prevention of their selling such live stock at the Kansas City market would entail a loss or hazard in trans-
283 acting the business. Such interference or prevention of sale would stop such interstate shipment and sale from being carried on in the ordinary methods that customs and usages of the country have established.

It is the custom and practice of a large number of commission houses to make loans to their patrons in the country who are growers or feeders of stock to enable them to prepare their cattle or hogs or sheep for shipment to the Kansas City market. Such loans are made throughout the entire territory above named. In making a loan on the live stock it is usual to take a mortgage with the agreement that such stock as are included in the mortgage as security are to be shipped to the commission man making the loan and sold on the Kansas City market, or Chicago, or St. Louis, and the proceeds applied to the payment of the loan. A large amount of money amounting to millions of dollars are so loaned in the territory tributary to the Kansas City market by different commission men doing business at the Kansas City stock yards. It is the custom and practice to discount a large amount of this paper at the local banks of Kansas City by the commission men, the commission houses or firms guaranteeing the paper. The security relied upon for the payment of such paper being the live stock so mortgaged, including the agreement for the shipment and delivery at the Kansas City Stock Yards for sale when such live stock has been prepared ready for market, of the application of the proceeds of the sale to payment of the loan. Any commission firm or house that was prevented from selling such live stock so mortgaged at the Kansas City market by reason of any combination, boycott or interference with their trade, would jeopardize such security, and might entail loss of such security and certainly an impairment of the same. The place of the loan is the locality where the cattle are raised and fed and the origin of the shipment. The place of settlement of the loan is the place or market where the cattle are sold, being in most cases a different state from that in which the cattle are raised and from which they are shipped.

A large percentage of the cattle handled and sold at the Kansas City Stock Yards market by the commission merchants

doing business at said market are so incumbered by mortgages thereon executed by the owners of such live stock in the various states and territories where such cattle or live
284 stock is raised and fed. These loans or advances of money enable the owners of the live stock with means to feed and to prepare said live stock for market. The shipment and consignment to the live stock commission merchant at Kansas City who has made such advances enables such commission merchant through the sale thereof to receive possession of the proceeds of sale and to deduct the amount of their loan, and satisfy their lien. From the information that affiant has in his long business experience at the stock yards in Kansas City, it is affiant's belief that fully nine-tenths of the commission merchants doing business at said Kansas City Stock Yards make such advancements of money to the owners of live stock and stock growers in the various western states and territories named, and that the large and growing market at Kansas City is sustained largely through the large sums so advanced by said commission merchants, to the cattle or live stock raisers and growers and feeders of the western states and territories named. Affiant further states that said stock yards at Kansas City afford to the owners and shippers and dealers in cattle and live stock the only available means or place for handling, sale and reshipment of cattle within several hundred miles to the north, south and east of Kansas City, and for several thousand miles to the west thereof, and that by reason of such market the Kansas City Stock Yards is the only available public market for the purchase and sale of cattle and other live stock, and for the exchange of interstate traffic therein for a very large area of territory.

Affiant further says that it is the daily custom and practice of the defendants' commission men aforesaid to sell live stock in the State of Missouri, which at the time of said sale are located at said stock yards, in pens, in the State of Kansas, and also to sell live stock in the State of Kansas, which at the time of such sale are located in pens in the State of Missouri. It is also the daily custom and practice of the commission houses, defendants herein, to make deliveries of stock that are sold in the State of Kansas on the Kansas side of the state line to purchasers in the State of Missouri, and to make deliveries of live stock from the State of Missouri to purchasers in the State of Kansas.

285 That the yards, pens and facilities for handling, weighing sale and delivery of the sale of live stock being situated on both sides of the state line between the states of Kansas and Missouri; and the office building being situated on the state line, and the offices of some of the com-

mission merchants being in one state and some in the other state, the business at said stock yards is done on both sides of the state line between Kansas and Missouri, and by reason of the fact that transactions begin in one state and are consummated in another, and that cattle and other live stock in the course of being received, sold and delivered at the stock yards, first on one side of the line and then on the other, it is difficult or impossible in most cases to say what business transaction or transactions or what part thereof are begun and consummated in the state of Missouri and which are begun and consummated in the state of Kansas.

A part of the packing houses that slaughter cattle at the local market for food product are located in Missouri and part in Kansas. The quarantine pens into which all southern cattle that come from the quarantine districts at the south during the period of quarantine restriction as established by the Bureau of Animal Industry in the United States Department of Agriculture are located across the Kaw River in the state of Kansas in the Kansas City Stock Yards. Under the quarantine regulations such cattle originating within the territory so quarantined against are shipped to this market at Kansas City only for the purpose of immediate slaughter, and have to be sold to the local packers for slaughter; and such as are purchased by the packing houses located in Missouri, [necessaitates] an interstate delivery and immediate change into a food product that assimilates and becomes the property of others in another state.

That all cattle that are shipped to this market for sale during the quarantine period that do not originate within the quarantine district, and that are permitted to be shipped into the country as feeders or for other purposes when so shipped out of this market have to have what is called a health bill attached to the bill of lading of the car as it goes out of the yards. This health bill consists of a certificate issued
286 by the commission man making the sale that certifies that to the best of their knowledge the stock so shipped are free from contagious or infectious diseases, and certifying that such commission man or house have no knowledge of such disease at or near the station from which such cattle were shipped to this market. After the issuing of such health bill before the cattle can be shipped out of the stock yards at Kansas City, such health bill has to be stamped by the Government Inspector located here as the evidence that such cattle have been inspected and are free from disease, and the permit issued by such Government Inspector giving consent to their being [taking] out of the yards for shipment to the country.

That of the live stock originating in other states and territories, shipped to the Kansas City Live Stock market, a very large proportion is shipped to Kansas City market for sale, for slaughter and shipment to other states and to foreign markets; that seventy-five per cent of the fat cattle sold at the Kansas City Stock yards is purchased by the packing houses located in Kansas and Missouri as above stated; that a large proportion—probably ninety per cent—of the live stock purchased by said packing houses, and slaughtered by them, is purchased and slaughtered for shipment to points outside of the state in which the packing house is situated, and to foreign countries.

That a large number of cattle received at the Kansas City stock yards from other states and territories are purchased by packing houses for shipment, alive, to foreign countries.

This inspection and regulation concerning the health of the cattle so shipped, is under the control and direction of the Bureau of Animal Industry, in the Agricultural Department of the United States Government.

JAMES H. THOMSON.

Subscribed to in my presence and sworn to before me this 26th day of February, 1897.

[Seal] JACOB G. WINN,
Notary Public.

My commission expires Dec. 8, 1900.

287 In the Circuit Court of the United States for the District of Kansas. First Division.

The United States of America, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

State of Kansas,
County of Wyandotte—ss.

Scott R. Kennedy being duly sworn, deposes and says: That he has been doing business at the Kansas City Stock Yards for the past five or six years last past. That he is what is known as a speculator in business at the stock yards during the last year; that he has never been a member of the Kansas City Live Stock Exchange and has never carried on what is known as the business of a live stock commission merchant; that affiant is from observation and experience at the Kansas City Yards familiar with the methods of doing business by the Kansas City Live Stock Exchange, an association composed of live stock commission merchants for the most part, some of its members being connected with the packing houses or interested at the Kansas City market in other ways. From affiant's

acquaintance with the different members of the Kansas City Live Stock Exchange and his observation and experience in and about the Kansas City Stock Yards, affiant knows the fact that all of the parties doing business as live stock commission merchants at the Kansas City Stock Yards with the one exception of Greer, Mills & Co. are members of the Kansas City Live Stock Exchange; that it is the purpose of the Kansas City Live Stock Exchange as demonstrated by their practice and custom to influence all persons who do a business at the Kansas City live stock yards to become members of the Exchange, and as far as possible to prevent any firm or person from doing a business at this market as a live stock commission merchant who does not become a member of the Exchange.

The methods employed to prevent any person who is not a member from doing business as a live stock commission
288 merchant vary. One of the methods is to post such person or firm on the bulletin boards of the Exchange informing the other members of the Exchange not to do business with the person so posted. I know of two packing houses who refused to buy from a commission house that was so posted on the bulletin boards and of two commission houses that are members of the Exchange who refused to buy from the same firm that was so posted on the bulletin boards; of course, the talk and conversation in and about the yards between the members of the Exchange and with the members of the Exchange and others has its influence to accomplish any purpose the Exchange desires. They have an influence also in diverting shipments from the country away from the person or firm so posted. There are so many of them they can make a pretty effectual boycott if they try.

SCOTT R. KENNEDY.

Subscribed in my presence, and sworn to before me this 26th day of February, 1897. JAMES RATCLIFFE.

[Seal] Notary Public.

My commission expires March 28, 1898.

Indorsed: The United States vs. Henry Hopkins et al. Affidavit of Scott R. Kennedy.

289 In the Circuit Court of the United States for the District of Kansas. Eastern Division.

The United States, Complainant,

vs.

Henry Hopkins et al., Defendants,

AFFIDAVIT.

The State of Kansas,

County of Wyandotte—ss.

Norman B. Greer, of lawful age, being first duly sworn, on his oath deposes and says: That in November, 1896, he was

the manager, at the Kansas City Stock Yards, for the firm of Greer, Mills & Co., which said firm was doing a commission business in buying and selling live stock at said market, at said time.

That on the 16th day of November, 1896, the affiant, on behalf of Greer, Mills & Co., served on R. P. Woodbury, the Secretary of said Kansas City Live Stock Exchange, a written notice of withdrawal from said Exchange, a copy of said notice being hereto attached, marked "Exhibit A." At the same time he surrendered the certificates of membership of Jefferson B. Greer, Frank O. Mills and Jesse Sherwood, and the same were received by the Secretary of the said Kansas City Live Stock Exchange, and the firm of Greer, Mills & Co. there and at that time ceased to be members of said Exchange by their voluntary withdrawal from the same.

That thereafter, and on the 17th day of November, 1896, notwithstanding the voluntary withdrawal of said firm and their ceasing to be members of said Exchange, the Directors of said Kansas City Live Stock Exchange, through R. P. Woodbury, its Secretary, caused notices to be posted on the bulletin boards in the Exchange Building, at the Kansas City Stock Yards, a copy of which notices is hereto attached marked "Exhibit B" and that said directors and Secretary of said Exchange also served copies of said notices on the commission houses doing business at said Kansas City Stock Yards the purpose of which notice was to enforce and make effective Rule 16 of the Code of By-Laws and stop all business with said firm of Greer, Mills & Co.

That immediately after the posting of said notice con-
290 tained in Exhibit B, the members of said Kansas City Live Stock Exchange refused to deal with said firm of Greer, Mills & Co. and that the packing houses refused to buy their stock from them, and the Exchange dockers refused to dock their hogs, and continued so to do until about the 5th day of December, 1896, when Greer, Mills & Co. obtained a temporary restraining order from the Court of Appeals in Kansas City, Wyandotte County, Kansas. And that between said 17th day of November, 1896, and the 5th day of December, 1896, the said firm of Greer, Mills & Co. were practically shut out of the market at Kansas City, as far as dealing with any packing house or member of the Exchange was concerned. And further affiant saith not. N. B. GREER.

Subscribed in my presence and sworn to before me this 26th day of February A. D. 1897.

My commision expires March 28, 1898.

[Seal] JAMES RATCLIFFE,
Notary Public.

291 To the Kansas City Live Stock Exchange, Kansas City, Kans.:

You are hereby notified that Frank O. Mills, J. E. Greer and Jesse Sherwood, all of Chicago, Illinois, composing the undersigned firm of Greer, Mills & Co. do hereby withdraw from membership in the Kansas City Live Stock Exchange, and do hereby surrender and deliver to you certificates of membership in said Exchange, being Numbers 241, 59-A and 60-A.

You are further notified that the undersigned hereby withdraw their consent formerly given to the "Articles of Association, Rules and By-Laws, and Rules for inspection of hogs of the Kansas City Live Stock Exchange," and to each and every part and section thereof.

GREER, MILLS & CO.

Kansas City, Mo., Nov. 9, '96.

"Exhibit A."

292 Kansas City, Mo., Nov. 17.

My Dear Sir: At a meeting of the Board of Directors of the Kansas City Live Stock Exchange, held this date, the following resolutions were unanimously adopted:

"Resolved, That the withdrawals of Jefferson E. Greer, Frank O. Mills and Jesse Sherwood, composing the firm of Greer, Mills & Co., from membership in the Kansas City Live Stock Exchange, and the surrender of their respective certificates of membership in said Exchange bearing numbers 59-A, 60-A and 241, be and the same are hereby accepted; and

Resolved, That the said acceptance shall be without waiver of, prejudice to, any rights which this Exchange, or the members thereof, may have against the said Greer, Mills & Sherwood, or either of them, by reason of the fines heretofore assessed against them, because of their violation of the rules of this Exchange; nor shall acceptance operate to relieve said Greer, Mills and Sherwood, or either of them, from the liabilities and penalties resulting from, or incident to, said fines, and the non-payment thereof, and their suspension from membership because of said non-payment;

Resolved further, That the Secretary be directed to cancel said certificates, and to erase the names of said Greer, Mills and Sherwood, from the list of the members of this Exchange, and that he notify said parties of this acceptance of their withdrawal and surrender and also that he notify the members of this Exchange of such facts and that said Greer, Mills and Sherwood, composing the firm of Greer, Mills & Co., are no longer entitled to any of the privileges of membership in this Exchange, but stand as suspended therefrom, and also as hav-

ing surrendered the same and every part thereof; and that all members of this Exchange be notified to govern themselves accordingly."

Very respectfully,

"Exhibit B." W. P. WOODBURY, Secretary.

Indorsed: The United States vs. Henry Hopkins et al. Affidavit of Norman B. Greer.

293 In the Circuit Court of the United States for the District of Kansas, First Division.

AFFIDAVIT OF CHAS. HOWARD.

The United States of America, Complainant,
vs.
Henry Hopkins et al., Defendants.

Chas. Howard being first duly sworn, deposes and says: I live in Kansas City, Mo. I was a member of the Kansas City Live Stock Exchange until the first day of February, 1897, at which date I transferred my certificate of membership. Since February 1st, I have been doing business at the Kansas City Live Stock Yards as a trader. Prior to the first day of February of this year I was doing business as a live stock commission merchant at the Kansas City Stock Yards for some four or five years. I am familiar with the methods of doing business by the Kansas City Live Stock Exchange. The Association known as the Kansas City Live Stock Exchange, in the main, control the business of the live stock commission merchants or the sale of live stock at this market on commissions. It is the purpose of the Kansas City Live Stock Exchange to prevent any commission merchant from doing the business of buying and selling on commission on this market unless such commission merchant belongs to the Exchange. If a man or firm try to do a commission business at the Kansas City Stock Yards without taking out memberships in Exhange they use different methods for preventing buyers from purchasing the stuff they have to handle.

Under rule 16 of the Exchange when a person or firm are posted on the bulletin boards that is understood to be a direction from the Exchange to refuse to trade or do business with the member so posted.

CHAS. HOWARD.

Subscribed in my presence, and sworn to before me this 25th day of February, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28, 1898.

Indorsed: United States vs. Henry Hopkins et al. Affidavit of Charles Howard.

294

EXHIBIT "A."

Instructions to Inspectors.

United States Department of Agriculture,
Bureau of Animal Industry.

Washington, D. C., Sept. 13, 1893.

To Inspectors of the Bureau of Animal Industry in charge of the inspection of animals slaughtered at abattoirs throughout the United States:

Supplementary to the order of the Secretary of Agriculture, of this date, directing the ante and post-mortem examination of all swine slaughtered at the abattoirs where the Department of Agriculture is carrying on inspection, the following instructions are issued as a guide to inspectors in the condemnation of cattle, sheep, swine, and their carcasses.

All animals found on either ante or post-mortem examination to be affected as follows are to be condemned and the carcasses thereof stamped with the "condemnation" stamp supplied by the Department, and inspectors will see that said carcasses are placed in the rendering tanks of the abattoirs:

(1) Hog cholera.
(2) Swine plague.
(3) Charbon or anthrax.
(4) Malignant epizootic catarrh.
(5) Pyaemia and septicaemia.
(6) Mange or scab in advance stages.
(7) Adanced stages of actinomycosis or lumpy-jaw.
(8) Inflammation of the lungs or of the intestines.
(9) Texas fever.
(10) Extensive or generalized tuberculosis.
(11) Animals in an advanced state of pregnancy or which have recently given birth to young.
(12) Any disease or injury causing elevation of temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food.

Any organ or part of a carcass which is badly bruised or affected by tuberculosis, actinomycosis, abscess, suppurating sore or tapeworm cysts must be condemned.

D. E. SALMON,
Chief of Bureau.

Approved: J. STERLING MORTON, Secretary.

295 Supplementary Regulation for the Inspection of Live Stock and their Products.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., Sept. 13, 1893.

To Inspectors in Charge of Abattoirs under the Regulations of the U. S. Department of Agriculture of March 25, 1891:

You are hereby notified that beginning October 1, 1893, the inspection of all hogs slaughtered at the abattoir which you are in charge of, will be inaugurated.

This inspection will be carried on in accordance with the aforesaid regulations of March 25, 1893, covered from Rule 2 down to and including Rule 12 of said regulations, and will be similar in all respects to the system now in operation applied to the inspection of cattle and sheep. It will include a careful ante-mortem examination of all hogs, as required by Rule 6, and a subsequent post-mortem examination, as required by Rule 7.

The carcasses of all hogs that are to enter into interstate trade, as dressed pork, will be tagged in the same manner as cattle are now marked for identification. The products of hog carcasses which enter into interstate trade will be stamped in the same manner as are the products of cattle.

No microscopic examination will be made of hogs slaughtered for interstate trade, but this examination will be confined to those intended for the export trade and will be carried on as heretofore, and only at abattoirs which export pork products to countries requiring a certificate from this Government to secure the admission of such meats. Hereafter all inspectors issuing certificates for export of pork products which have been [microscopically] examined will enter upon the same the number of each stamp marking the packages for which said export certificate is issued.

All hogs found upon either ante mortem or post-mortem examination to be diseased or, for any reason unfit for human food, will be condemned by the Inspector in charge of
296 the abattoir, who will see that the carcasses of the same are tanked by the owners of the abattoir. In case the owners of the abattoir refuse to tank such carcasses, then the inspector will tag said animals with tags for condemned meat which will be furnished by this Department.

Owners of abattoirs are warned against removing the tags so attached to condemned carcasses and are notified that they will be prosecuted, under Section 4 of the Act of Congress of

March 3, 1891, for any such attempt to tamper with the device for marking condemned animals as prescribed by this regulation.

Accompanying and forming part of this order are directions to inspectors, designating the diseases and conditions which render animals unfit for human food, and for which they shall be condemned by the Inspector.

J. STERLING MORTON, Secretary.

297 [T. F.]

EXHIBIT "B."

Regulations Concerning Cattle Transportation.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., January 27, 1897.

To the Managers and Agents of Railroads and Transportation Companies of the United States, Stockmen, and others:

In accordance with section 7 of the act of Congress approved May 29, 1884, entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," and of the act of Congress which became a law April 24, 1896, making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1897, you are hereby notified that a contagious and infectious disease known as splenetic, or Southern, fever exists among cattle in the following described area:

All that country lying south, or below, a line beginning at the northwest corner of the State of California; thence east, south, and southeasterly along the boundary line of said State of California to the southeastern corner of said State; thence southerly along the western boundary line of Arizona to the southwest corner of Arizona; thence along the southern boundary lines of Arizona and New Mexico to the southeastern corner of New Mexico; thence northerly along the eastern boundary of New Mexico to the southern line of the State of Colorado; thence along the southern boundary lines of Colorado and Kansas to the southeastern corner of Kansas; thence southerly along the western boundary line of Missouri to the southwestern corner of Missouri; thence easterly along the southern boundary line of Missouri to the Mississippi River; thence northerly along the Mississippi River to the northern boundary line of Tennessee at the southwest corner of Lake County; thence easterly along said northern boundary line to the northeast corner of Henry County; thence in a northerly direction along the boundary of the Tennessee River

to the northwest corner of Stewart County; thence in an easterly direction along the northern boundary of Tennessee to the southwestern corner of Virginia; thence northeasterly along the western boundary line of Virginia to the northernmost point of Virginia; thence southerly along said boundary line to the northeast corner of Virginia where it joins the southeastern corner of Maryland, at the Atlantic Ocean.

Whenever any State or Territory located above or below said quarantine line as above designated, shall duly establish a different quarantine line, and obtain the necessary legislation to enforce said last-mentioned line strictly and
298 completely within the boundaries of said State or Territory, and said last above mentioned line and the measures taken to enforce it are satisfactory to the Secretary of Agriculture, he may, by a special order, temporarily adopt said State or Territorial line.

Said adoption will apply only to that portion of said line specified, and may cease at any time the Secretary may deem it best for the interest involved, and in no instance shall said modification exist longer than the period specified in said special order; and at the expiration of such time said quarantine line shall revert without further order to the line first above described.

Whenever any State or Territory shall establish a quarantine line for above purposes, differently located from the above-described line, and shall obtain by legislation the necessary laws to enforce same completely and strictly, and shall desire a modification of the Federal quarantine line to agree with such state or territorial line, the proper authorities of such State or Territory shall forward to the Secretary of Agriculture a true map or description of such line and a copy of the laws for enforcement of same, duly authenticated and certified.

Such States or Territories as now have a line established as last above mentioned can immediately forward certified copies of said line and laws for the enforcement thereof, and if satisfactory to the Secretary of Agriculture, the same may be adopted at once and the Federal line so modified.

From the 15th day of February to the 15th day of November, inclusive, during each year, no cattle are to be transported from said area south or below said Federal quarantine line above described to any portion of the United States above, north, east, or west of the above-described line, except by rail for immediate slaughter, and when so transported the following regulations must be observed:

1. When any cattle in course of transportation from said area are unloaded above, north, east or west of this line to be fed or watered, the places where said cattle are to be fed or watered shall be set apart and no other cattle shall be admitted thereto.

2. On unloading said cattle at their points of destination, pens, sufficiently isolated, shall be set apart to receive them, and no other cattle shall be admitted to said pens; and the regulations relating to the movement of cattle from said area, prescribed by the cattle sanitary officers of the State where unloaded, shall be carefully observed. The cars that have carried said stock shall be cleansed and disinfected as soon as possible after unloading and before they are again used to transport, store, or shelter animals or merchandise.

3. All cars carrying cattle from said area shall bear placards stating that said cars contain Southern cattle, and each of the waybills of said shipments shall have a note upon its face with a similar statement. Whenever any cattle have come from said area and shall be reshipped from any
299 point at which they have been unloaded to other points of destination, the cars carrying said animals shall bear similar placards with like statements, and the waybills be so stamped. At whatever point these cattle are unloaded they must be placed in separate pens, to which no other cattle shall be admitted.

4. The cars and boats used to transport such animals, the chutes, alleyways, and pens used during transportation, and at points of destination, shall be disinfected in the following manner:

(*a*) Remove all litter and manure. This litter and manure may be disinfected by mixing it with lime or saturating it with a 5 per cent solution of carbolic acid; or, if not disinfected, it may be stored where no cattle can come into contact with it until after November 15.

(*b*) Wash the cars and the feeding and watering troughs with water until clean.

(*c*) Saturate the walls and floors of the cars, and fencing, troughs, and chutes of the pens with a solution made by dissolving 4 ounces of chloride of lime to each gallon of water. Or disinfect the cars with a jet of steam under a pressure of not less than 50 pounds to the square inch.

Cattle from the Republic of Mexico may be admitted into the United States to remain below said Federal quarantine

line after inspection, according to law, but said cattle shall not be permitted to cross said quarantine line otherwise than by rail for immediate slaughter, except by special permit from the inspectors of the Bureau of Animal Industry, issued according to the regulations of the said Bureau, and no permit shall be issued except for cattle free from splenetic or Texas fever, or from contact therewith during the three months preceding the issuance of said permit, and which have been grazed in a locality free from infection of such fever.

Notice is hereby given that cattle infested with the Boophilus bovis, or Southern cattle tick, disseminate the contaglion of splenetic or Southern fever (Texas fever); therefore cattle originating outside of the district described by this order, or amendments thereof, and which are infested with the Boophilus bovis ticks shal be considered as infectious cattle and shall be subject to the rules and regulations governing the movement of Southern cattle.

Stock-yards companies receiving such cattle shall place the same in the pens set aside for the use of Southern cattle, and transportation companies are required to clean and disinfect all cars and vessels which have contained the same, according to the requirements of this Department.

The losses which formally occurred to the owners of susceptible cattle, both in the interstate and export trade, by the contraction of this disease from exposure in unclean and infected cars and pens, and by means of the manure carried in unclean cars from place to place, became a matter of grave and serious concern to the cattle industry of the United States until this danger was removed by the inspec-
300 tion of this Department. It is absolutely essential, therefore, that this cattle industry should continue to be protected as far as possible by separating the dangerous cattle and by the adoption of efficient methods of disinfection.

Inspectors are instructed to see that disinfection is properly done, and it is expected that transportation and stock yards companies will promptly put into operation the above methods.

All prior orders conflicting herewith are hereby revoked.

J. STERLING MORTON, Secretary.

Special Order Modifying Quarantine Line for the State of Texas.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., January 28, 1897.

In accordance with the regulations concerning cattle transportation issued by this Department January 27, 1897, the

State of Texas has located a quarantine line, described as follows:

Beginning at the southwest corner of the county of Pecos, on the bank of the Rio Grande River; thence following the western boundary of Pecos County to the southeast corner of Reeves County; thence following the boundary line between the counties of Pecos and Reeves to the Pecos River; thence southeasterly, following the Pecos River to the northwest corner of Crockett County; thence easterly along the northern boundary of Crockett and Schleicher counties to the southeastern corner of Irion County; thence northerly along the eastern boundary of Irion County to the northeast corner of said county; thence northerly to the southern boundary of Coke County; thence westerly to the southwest corner of Coke County; thence northerly along the western boundary of Coke County to the southern boundary of Mitchell County; thence easterly to the southeastern corner of Mitchell County; thence northerly along the western boundary of Nolan County to the northwestern corner of Nolan County; thence easterly along the northern boundaries of Nolan and Taylor counties to the southeast corner of Jones County; thence northerly along the eastern boundary of Jones County to the northeast corner of said county; thence easterly along the northern boundary of Shackelford County to the southwest corner of Throckmorton County; thence northerly along the western boundaries of Throckmorton and Baylor counties to the northwest corner of Baylor County; thence easterly along the northern boundary of said county to the southeast corner of Wilbarger County; thence northerly along the eastern boundary of Wilbarger County to the Red River; thence continuing in a northwesterly direction along the course of said river to
301 the southeast corner of Greer County; thence northerly, following the course of the North Fork of the Red River to its intersection with the eastern boundary line of Wheeler County; thence north with the eastern boundary line of Wheeler, Hemphill, and Lipscomb counties to the northeast corner of Lipscomb County; thence in a westerly direction with the northern boundary lines of Lipscomb, Ochiltree, Hansford, Sherman and Dallam counties to the northwestern corner of Dallam County to the eastern line of New Mexico.

And whereas said quarantine line, as above set forth, is satisfactory to this Department, and legislation has been enacted by the State of Texas to enforce said quarantine line; therefore, in accordance with the regulations of January 27, 1897, the above quarantine line is adopted for the State of Texas by this Department for the period beginning on February 15, 1897, and ending November 15, 1897, in lieu of the

quarantine line described in said order of January 27, 1897, for said area, unless otherwise ordered.

J. STERLING MORTON, Secretary.

Special Order Modifying Quarantine Line for the Territory of Oklahoma.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., February 2, 1897.

In accordance with the regulations concerning cattle transportation issued by this Department January 27, 1897, the Territory of Oklahoma has located a quarantine line, described as follows:

Beginning on the Red River at the southeastern corner of the county of Greer; thence northerly following the course of the North Fork of the Red River to its intersection with the southern boundary line of Roger Mills County; thence easterly along the southern boundary of Roger Mills and Washita counties to the southeastern corner of Washita County; thence northerly along the eastern boundary of Washita County to the northeast corner of said county; continuing in a northerly direction along the eastern boundary of the county of G to the southwestern corner of the county of Blaine; thence easterly along the southern boundary of Blaine County to the southeast corner of said county; thence north along the eastern boundary of said county to the northwest corner of Canadian County; thence east along the northern boundary of said county to the northeast corner of said county; thence north along the eastern boundary of Kingfisher County to the northeastern corner of said county; thence east along the southern boundary of O County to the southeast corner of said county; thence north along the eastern boundary of O County to the northeast corner of said county; thence east along the southern boundary of K County to the west line of the Ponca
302 Indian Reservation; thence north along the west line of said reservation to the northwest corner of said reservation; thence east along the northern boundary of the Ponca Reservation to the Arkansas River; thence in a northerly direction following the course of said river to its intersection with the thirty-seventh parallel of north latitude at the southern boundary line of Kansas.

So much of the quarantine line for the State of Texas, described in the order of January 28, 1897, beginning at a point on the Red River at its intersection with the southern boundary line of Roger Mills County, and extending northerly and westerly therefrom, is hereby revoked during the enforcement of the above line for the Territory of Oklahoma.

And whereas said quarantine line, as above set forth, is satisfactory to this Department, and legislation has been enacted by the Territory of Oklahoma to enforce said quarantine line; therefore, in accordance with the regulations of January 27, 1897, the above quarantine line is adopted for the Territory of Oklahoma by this Department for the period beginning on February 15, 1897, and ending November 15, 1897, in lieu of the quarantine line described in said order of January 27, 1897, for said area, unless otherwise ordered.

J. STERLING MORTON, Secretary.

Special Order Modifying Quarantine Line for the State of Arkansas.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., February 2, 1897.

In accordance with the regulations concerning cattle transportation issued by this Department January 27, 1897, the State of Arkansas has located a quarantine line, described as follows:

Beginning at the northwest corner of the county of Benton; thence southerly along the western boundary line of Benton and Washington counties to the southwest corner of Washington County; thence easterly along the southern boundaries of the counties of Washington, Madison, Newton, Searcy and Stone to the western boundary of Independence County; thence southerly along the western boundary of Independence County to the southwest corner of Independence County; thence easterly along the southern boundary of Independence County to the southeast corner of Independence County; thence northerly along the eastern boundary of said county to the northeast corner of said county; thence easterly
303 along the southern boundary of Lawrence County to the southeast corner of said county; thence northerly along the eastern boundary of said county to the southwestern corner of Greene County; thence easterly along the southern boundary of Greene County to the southern boundary of the State of Missouri and along said southern boundary of the State of Missouri to the Mississippi River.

And whereas said quarantine line, as above set forth, is satisfactory to this Department, and legislation has been enacted by the State of Arkansas to enforce said quarantine line; therefore, in accordance with the regulations of January 27, 1897, the above quarantine line is adopted for the State of Arkansas by this Department for the period beginning on February 15, 1897, and ending November 15, 1897, in lieu of

the quarantine line described in said order of January 27, 1897, for said area, unless otherwise ordered.

J. STERLING MORTON, Secretary.

Special Order Modifying Quarantine Line for the State of Virginia.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., February 5, 1897.

In accordance with the regulations concerning cattle transportation issued by this Department January 27, 1897, the State of Virginia has located a quarantine line, described as follows:

Beginning at the boundary line of Virginia at its southwestern corner; thence easterly along the southern boundary of Virginia to a point coinciding with the summit of the Blue Ridge Mountains; thence following the summit of said mountains northeasterly to the Blackwater River; thence easterly along the course of said river through Franklin County to its intersection with the Staunton River on the eastern boundary of Franklin County; thence in an easterly direction along the southern and eastern boundaries of Bedford County to the James River; thence following the James River to the southeastern corner of Charles City County; thence northerly and easterly along the western and northern boundaries of James City, Gloucester, and Mathews counties to the Chesapeake Bay; thence south to the northern boundary of Elizabeth City County; thence west and north along the boundaries of Elizabeth City and Warwick counties to the James River; thence southeasterly along the course of the said river to the northwest corner of Norfolk County; thence south along the western boundary of said county to its intersection with the northern boundary of North Carolina; thence east along the southern boundaries of Norfolk and Princess Anne counties to the Atlantic Ocean.

And whereas said quarantine line, as above set forth, is satisfactory to this Department, and legislation has been
304 enacted by the State of Virginia to enforce said quarantine line; therefore, in accordance with the regulations of January 27, 1897, the above quarantine line is adopted for the State of Virginia by this Department for the period beginning on February 15, 1897, and ending November 15, 1897, in lieu of the quarantine line described in said order of January 27, 1897, for said area, unless otherwise ordered.

J. STERLING MORTON, Secretary.

Special Order Modifying Quarantine Line for the State of North Carolina.

U. S. Department of Agriculture,
Office of the Secretary,
Washington, D. C., February 5, 1897.

In accordance with the regulations concerning cattle transportation issued by this Department January 27, 1897, the State of North Carolina has located a quarantine line, described as follows:

Beginning at the northwestern corner of Ashe county at the northern boundary of North Carolina; thence along the western boundary of said State to the southwest corner of the county of Cherokee; thence along the southern boundaries of the counties of Cherokee, Clay, Macon, Jackson, and Transylvania to the southeast corner of the county of Transylvania; thence northwesterly along the eastern boundary of Transylvania County to the southwest corner of the county of Buncombe; thence easterly along the southern boundary of the said county to the summit of the Blue Ridge Mountains; thence in a northeasterly direction following the said mountains to their intersection with the northern boundary of the State of North Carolina.

So much of the quarantine line for the State of Virginia described in the order of February 5, 1897, beginning at the northwestern corner of Ashe County and extending easterly along the southern boundary of Virginia to the summit of the Blue Ridge Mountains, is hereby revoked during the enforcement of the above line for the State of North Carolina.

And whereas said quarantine line, as above set forth, is satisfactory to this Department, and legislation has been enacted by the State of North Carolina to enforce said quarantine line; therefore, in accordance with the regulations of January 27, 1897, the above quarantine line is adopted for the State of North Carolina by this Department for the period beginning on February 15, 1897, and ending November 15, 1897, in lieu of the quarantine line described in said order of January 27, 1897, for said area, unless otherwise ordered.

J. STERLING MORTON, Secretary.

305 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States of America, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

State of Kansas,
County of Wyandotte—ss.

Albert Dean, of lawful age, being first duly sworn, deposes and says I am live stock agent of the Bureau of Animal Industry of the U. S. Department of Agriculture and have charge of southern cattle transportation west of the Mississippi river, between February 15th and Nov. 15th, of each year, governed by regulations concerning cattle transportation," that are issued annually by the Secretary of the United States Department of Agriculture. The regulations above referred to set forth and establish a Texas fever quarantine line, and all cattle originating south of said line, are only permitted, between the dates above written, to be shipped by rail to points above or north of said quarantine line for immediate slaughter only; wherever said cattle are unloaded, pens or yards are set apart for their use in which no other cattle are permitted, and the cars carrying such cattle, on being unloaded, must be cleaned and disinfected.

This service was first established by J. M. Rusk, secretary of Agriculture in 1889. I received my appointment April 1, 1890 and was given charge of the work west of the Mississippi river with headquarters at the Kansas City Stock Yards, for the reason that the principal market west of the Mississippi river, for southern cattle was at the above named yards. I have four assistants at the Kansas City Stock Yards and in addition thereto have one at Monett, Mo., on the St. Louis & San Francisco Railway, one at Parsons, Kansas, on the M., K. & T. Railway, one at Coffeyville, Kansas on the Missouri Pacific Railway, one at Arkansas City Kansas, on the Santa Fe Railway, one at Caldwell, Kansas, on the Rock Island Railway, one at Fort Worth, Texas, at the Ft. Worth stock yards, and one at Quanah, Texas on the Ft. Worth & Denver City
306 Railway, and one at Los Angeles, California, in charge of movement of cattle from that state. In addition to this branch of the service the Department of Agriculture has a veterinary meat inspection at each abattoir or packing house at Kansas City. The force employed at the Armour Packing Co. have a veterinary or animal inspection service at the Kansas City Stock Yards, that under regulations of Sept. 13, 1893, [inspected] and condemn all animals found to be in-

fected with hog cholera, swine plague, charbon or anthrax, malignant epizootic, catarrh, pyaemia and septicaemia, mange or scab in advanced stages, advanced stages of actinomycosis or lumpy-jaw, inflammation of the lungs or of the intestines, Texas fever, extensive or generalized tuberculosis; animals in advanced state of pregnancy or which have recently given birth to young, any disease or injury causing elevation of temperature or affecting the system of the animal to a degree which would make the flesh unfit for human food; any organ or part of a carcass which is badly bruised or affected by tuberculosis, actinomycosis, abscess, suppurating sore, or tape-worm cysts. I attach instructions to inspectors dated Sept. 13, 1893, and supplementary regulations for the inspection of live stock of even date marked "Exhibit A," and also regulations concerning cattle transportation dated Jan. 27, 1897, marked "Exhibit B." The agents and inspectors of the Department located on the different railways as above mentioned, report to the inspectors at destination, the car numbers of all cars containing cattle that have originated south of the quarantine line established by said cattle regulations, the name of consignee, destination, route, as well as the origin of the cattle, and furnish this office with copies of said report. It is the further duty of the agents or inspectors above mentioned to see that the words "Southern Cattle" [is] marked on each of the waybills of cars containing cattle that have originated south of the quarantine line, and that each car bears a placard with a similar statement, and at points of unloading that the cars containing such shipments of southern cattle shall be cleaned and disinfected before being used for any other purpose.

During the quarantine season of 1896 southern cattle west of the Mississippi river were inspected at the stations on
307 the different railroads as above mentioned and their destination reported to this office as follows: 11673 cars at the Kansas City Stock Yards; 8438 cars at the Nat'l Stock Yards, East St. Louis, and 7599 cars at the Union Stock Yards Chicago.

ALBERT DEAN.

Subscribed in my presence and sworn to before me this 26th day of February, 1897.

[Seal] JAMES RATCLIFFE,
Notary Public.

My commission expires March 28, 1898.

United States vs. Henry Hopkins, et al. Affidavit of Albert Dean, U. S. Inspector.

Indorsed: 7402. The United States, Complainant, vs. Henry Hopkins et al., Defendants. Affidavits of Albert Dean and others. Filed May 31, 1897. Geo. F. Sharitt, Clerk.

The complainant also filed the following affidavits in rebuttal:

308 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

State of Missouri,
County of Jackson—ss.

Edwin E. Wilson of lawful age, being duly sworn on his oath states:

I reside in Kansas City, Missouri, and have resided there for seventeen years; from 1881 to 1886 I was engaged in the cattle business, and was the manager of the Texas Land & Cattle Company, and connected with the combined management of the Prairie Cattle Company, Kansas City Cattle Company and the Muscatine Cattle Company, all with executive offices at Kansas City, Missouri, and it was a part of my business to arrange railroad and stock yards rates for the different companies with which I was connected; that during those years the ordinary commission charged by the live stock commission merchant at the Kansas City Stock Yards was fifty cents a head for cattle, unless otherwise agreed on between the commission merchant and the shipper, and because of agreements between commission merchants and shippers, the commission seldom averaged over twenty-five cents a head; that during those years I made arrangements and received rebates of twenty-five cents per head on cattle shipments from the firms of John R. Stoller & Company, A. J. Snider & Company, Quinlan, Montgomery & Company, and had offers from numerous other commission merchants to handle our cattle at the yards at a commission not to exceed twenty-five cents per head; that during the years from 1881 to 1886 the companies with which I was connected in a managerial capacity sold at the Kansas City Stock Yards from five to ten thousand head a year; that it was the general custom for commission merchants at that time to have travelling agents whose duty it was to go among shippers and make contracts for sell-
309 ing cattle; that it was notorious that the average solicitor for commission firms at Kansas City would rebate on commissions to the extent of at least twenty-five cents per head; that the principal shipping points at that time for the Kansas City market were Dodge City, Kansas, Caldwell, Kan-

sas, and Kiowa, Kansas. Regular soliciting agents were stationed at these points for the purpose of trading with shippers; that under the active competition of these solicitors it is very doubtful if any of the commissions realized on the sales of cattle were in excess of twenty-five cents per head, except where commission firms had made loans to cattle shippers, it being always a stated or implied condition of a contract for a loan that the commission merchant making the loan should sell the cattle and receive the maximum commission of fifty cents per head. Outside of particular instances where loans were made, commissions were largely matters of competition.

EDWIN E. WILSON.

Subscribed and sworn to before me this thirteenth day of March, 1897.

[Seal] WILLIAM A. KNOTTS,
Notary Public, Jackson County, Missouri.
My commission expires January 18th, 1901.

310 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainants,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

State of Kansas,
County of Wyandotte—ss.

John Lawrence being of lawful age and being first duly sworn, deposes and says: That he is a resident of Gainesville, Cook County, Texas, and is a shipper of live stock to the Kansas City market, and has been for the past twenty-five years. That prior to the organization of the Kansas City Live Stock Exchange it was the custom and practice for the shipper and the commission merchant to whom the shipment was made to make such bargain as they could agree upon as to the rate of commission to be charged for selling said stock. That during all the time that he was shipping to the Kansas City market, prior to the organization of the Kansas City Live Stock Exchange, the commission paid by him to live stock commission merchants for selling his cattle averaged about 25 cents per head, or about one-half of the rate charged at the present time and since the organization of the Kansas City Live Stock Exchange. JOHN LAWRENCE.

Subscribed in my presence and sworn to before me this 11th day of March, 1897.

[Seal] JENNIE M. GOODWIN,
Notary Public.

My commission expires March 24th, 1900.

311 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

State of Kansas,
County of Wyandotte—ss.

W. M. Hurst, being of lawful age, and being first duly sworn, deposes and says: I now reside in Kansas City, Mo. I have been a shipper of live stock to the Kansas City Stock Yards market for some twenty years or more. A part of this time I resided in Texas, and shipped cattle from Texas to this market. A part of the time I resided in Kansas, and shipped cattle from Kansas and from other places to this market; also have shipped some hogs to this market. Prior to the organization of the Kansas City Live Stock Exchange in 1886 I was a shipper to this market of cattle from Texas, Kansas, Colorado and the Indian Territory and during all the years of my shipments prior to the organization of the Exchange the rates of commissions of the commission merchants at Kansas City was whatever the shipper and commission merchant agreed upon. During all the time of shipments prior to the organization of the Kansas City Live Stock Exchange I had offers from or could have had agreements with commission men to sell the cattle I shipped here for 25 cents per head as commissions for their services, and a good many cattle were sold for me at 25 cents per head commission. In a good many instances I was a borrower of money from commission men to handle my business, and to use in the cattle business. As the commission men that I borrowed money from time [—] time expected me to ship my cattle to them as a part of the arrangement for making the loan, the rate of commission often depended upon my needs and the scarcity of money. In making my arrangements for a loan it sometimes occurred that I had to or did agree to pay 50 cents per head to the commission man for the sale of the cattle, when they were shipped to the market; but

312 there was no arbitrary rule about it and it was a mere matter of agreement or contract between the shipper and the commission man. If a cattle shipper in those days prior to the organization of the Exchange shipped his cattle to this market without any previous agreement concerning the rate of commission and without being tied up with any commission firm on a contract for loan or otherwise, it is my opinion that he could have procured the services here of competent commission men to make his sales at 25 cents per

head for cattle. I do know that in those years prior to the organization of the Kansas City Live Stock Exchange, some men shipped their cattle here and sold them themselves without employing any commission men or paying any commission for the sale. So far as I know the shipper has not sold his own cattle at this market himself without the aid of commission merchants and the payment of commission since the Kansas City Live Stock Exchange was organized. I have talked with different commission men members of the Exchange, since that, and asked them why the shippers did not sell their cattle themselves in the yards here without paying commission to the commission men, or in other words, why it was not practiced by some shippers as it was before the Exchange was organized, and they told me that they couldn't do it, that the shipper could not make a success of it since the organization of the Exchange, as they did before. From my experience in shipping cattle here, and my observation in and about the stock yards here, and my talk with commission men and familiarity with the methods employed at this market, it is my opinion that a shipper of cattle to this market for sale could not handle his cattle here and make a success in selling them and obtain the fair market price without employing and paying some commission merchant or firm to transact the business. The commission men belonging to the Exchange are so numerous and by reason of the customs, rules and regulations of the buyers and sellers, it has been and is now, in my opinion an impossibility to realize the full market price for stock shipped to this market without the employment of commission merchants to do the business.

W. M. HURST.

313 Subscribed in my presence and sworn to before me this 12th day of March, 1897.

[Seal] JENNIE M. GOODWIN,
Notary Public.

My commission expires March 24, 1900.

314 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainants,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

State of Kansas,
County of Wyandotte—ss.

James H. Thomson, being of lawful age, and being first duly sworn, deposes and says: At the time that the certificates of

membership of Greer, Mills & Co. were surrendered to the Secretary of the Exchange, and that firm voluntarily withdrew from the Exchange as members thereof in November, 1896, they were then members and did not at the date of the surrendering of the certificates stand in the position of suspended members. An order of suspension by the Board of Directors that had been posted of date September 10th, 1896, was on or about September 18, 1896, withdrawn and taken down from the bulletin boards, and another order of the Board of Directors restoring the said firm to membership, and all the privileges of membership in the Exchange substituted in its place, which the Board of Directors of the Kansas City Live Stock Exchange made in pursuance of an order issued by Judge Philips of the United States Court for the Western District of Missouri. Affiant appends to this affidavit and makes it a part thereof a clipping from one of the Kansas City papers of date September 18th, 1896, which gives a history of the proceedings at that time.

JAMES H. THOMSON.

Subscribed in my presence and sworn to before me this 12th day of March, 1897.

[Seal] JENNIE M. GOODWIN,
Notary Public.

My commission expires Mar. 24, 1900.

315 Forced to Back Down.

Greer, Mills & Co. Reinstated by the Live Stock Exchange.

Notice Posted to that Effect.

U. S. Marshal Shelby hastened the Directors' Action.

Threatened to Arrest them.

Futher Complications Certain to Result in Future.

Swifts Defy the Exchange.

Greer, Mills & Co., the live stock commission firm which was recently suspended by the directors of the Kansas City Live Stock Exchange for rebating commissions, were reinstated at a meeting of the directors late yesterday afternoon. Notice to that effect was posted at the exchange near the close of the day's trading.

The reinstatement is the result of Judge Philips' order, issued Wednesday, commanding the exchange to annul the suspension until such time as the case could be heard and decided in the United States Court. Compliance with the order, however, was hastened by a visit United States Marshal Jo Shelby made to the exchange yesterday.

The marshal called upon the directors at their meeting and announced that unless the firm was immediately reinstated, as ordered by the court he would cause the arrest of every one of them.

This information was quickly followed by the posting of the notice of reinstatement. It informed all members of the exchange that pending the action of the United States Circuit Court, Greer, Mills & Co. were entitled to all privileges of membership of the exchange.

Thus, at least temporarily, the Kansas City Live Stock Exchange is in a position where it cannot exclude any person from trading at the yards, and can not compel members of the exchange to boycott firms in business there. If the restraining order be upheld and a permanent injunction granted by Judge Philips, the effect would certainly result in the dissolution of the exchange as now constituted and allow any person to trade without restriction from a board of directors.

Exchange in Hot Water.

The fight made by Greer, Mills & Co. is certain to re-
316 sult in sensational complications, whichever way it shall be decided. If the restraining order be dissolved, it is said, on good authority, that the directors of the exchange intend to not only expel the protesting firm, but also to suspend several other members who are known to have dealt with Greer, Mills & Co. during the period of their suspension and before the restraining order was granted.

When a firm is suspended from the exchange all other members are forbidden to deal directly with the firm suspended, and a violation of this order is punishable under the rules by a fine of $500. Several firms, and also several of the large packers, including Swift and Dold, are known to have bought from Greer, Mills & Co. during the suspension. They are said to be the ones whom the directors intend suspending or fining. An action of this kind would certainly disrupt the exchange, as the packers appear independent on the subject and say that they would pay no attention to any order of the kind mentioned by the directors.

Swift & Co., who are members of the exchange, have bought freely from Greer, Mills & Co. of late and their action has frequently been called to the attention of the directors, but that body did not appear to be ready to suspend or fine any member until the present case is settled. General Manager Wilder, of Swift & Co., said in regard to the matter:

"We are members of the Kansas City Live Stock Exchange, but in this matter of trading with Greer, Mills & Co. we do

not need nor care for the advice of the directors of the exchange. We will continue to buy from the suspended firm as long as we can get our stock at fair prices. As far as our being fined or suspended is concerned, it matters but little, as we care naught for the fights of the exchange, and hardly think the directors would care to try to dictate who we should patronize at the stock yards and who we should refuse to deal with."

If other members looked at the matter in the same light as the Swift Packing Company the rules of the Exchange would have no binding force.

Directors' Actions Disapproved.

Colonel A. J. Gillespie, a pioneer member of the ex-
317 change, in speaking of the matter, censured the directors of the Exchange for their action in the case of Greer, Mills & Co., and termed it as outrageous. He said:

"It is highly probable that the Kansas City Live Stock Exchange as constituted at present will be an institution of the past when this case is settled, as its legal existence has been denied by the courts of Kansas, and its right to prevent members from trading with some particular firm, as in the present case, is very questionable. The sentiment among the members is changing rapidly in favor of the suspended firm, and it is the impression now that the fines of $1,000 levied were excessive and unwarranted. It is also a deplorable fact that the exchange should resort to such underhanded methods as the one employed in discovering who were violating the rebate rule. This Detective Mooney wrote fifty-six letters to members of the exchange, and endeavored to ensnare them into a trap which would cause them the same trouble as that which Greer, Mills & Co. have experienced.

"The firm of Greer, Mills & Co. were said to have rebated to Mooney, but even if this were true, and it is doubtful, the fine should not have been so heavy. This same Detective Mooney about a year ago endeavored to cause many firms to not only break the rebate rule, but also the one in regard to furnishing the markets by telegraph to customers and prepaying the charges. This action was also condemned by the majority of the members of the exchange, and while the rules should be obeyed, there is no excuse for resorting to underhanded tricks to secure the conviction of any member.

318 In the Circuit Court of the United States for the District of Kansas, First Division.

AFFIDAVIT.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

State of Kansas,
County of Wyandotte—ss.

N. B. Greer, being of lawful age and being first duly sworn, deposes, says: That in 1879 he was in partnership with O. W. Way under the firm name of Greer & Way, at Emporia, Kansas, and continued said partnership until 1886, and as such partners were shippers of live stock to the Kansas City market; affiant's firm's headquarters was at Emporia, Kansas, and they shipped for the most part from Emporia, and from all over Southern Kansas to the various commission merchants at the stock yards in Kansas City, Kansas. The shipments were made to the commission merchants to sell for the account of affiant's firm. During all the time mentioned the commissions on hogs per car load was $5.00 per car, that is, the regular or nominal commissions that were supposed to be charged by everybody. This was prior to the organization of the Kansas City Live Stock Exchange. As a matter of fact, the commission merchants during all of said years made such agreements as to the price of commissions as they pleased with their customers from the country, and it was the custom and practice with affiant's firm to obtain from the commission merchant a rebate of one-half of the commission charged, which rebate was settled monthly, and the commission firm would at the end of each month remit to affiant's firm the rebate agreed upon. The $5.00 per car for hogs was the usual or prevailing price understood for commissions prior to the organization of the Exchange, and affiant attaches to his affidavit as samples illustrating how the accounts were made out of each shipment known as original account sales, which were sent to affiant's firm by the commission house making the sale; affiant shipped hogs and cattle to different commission firms, among them being Quinlan, Montgomery & Co. and Wood Brothers, and Keenan & Hancock and Hall Bros. & Co., and others. The selected account sales furnished by the commission men that are attached to this affidavit as samples are not all the
319 account sales, but only those taken for the purpose of showing the rate of commission on hogs before the Exchange was organized. The rebates that were given by the commission men were rendered in a separate account at the end of the month, and in hog shipments were one-half of the

commission, making the commission actually charged and retained by the commission house $2.50 per car. The firm of Greer & Way also shipped a good many cattle during said years to commission men at the Kansas City yards, and affiant also shipped in his own name a good many cattle to commission men at the Kansas City Stock Yards from July, 1885, down to the organization of the Kansas City Live Stock Exchange. That while the nominal or supposed charge, as generally understood to be among the commission men, was 50 cents per head for cattle, the actual facts were that they made such agreement with their country customers for commissions to secure business largely based upon the amount of business the country customer would furnish them; and it was usual and customary to rebate 25 cents a head for cattle, which would be one-half of the commission as shown on the account sales rendered by the commission man to his country customer. These commission rebates were sent out by the commission merchants monthly, or credit given for the same on the books of the commission firm. But the rebates were given in separate accounts, and credited to the shipper, and as a usual thing settled monthly. Other commission firms also than those I actually did trade with offered to sell our cattle for 25 cents a head and our hogs at $2.50 a car. From my acquaintance with other shippers and my frequent visits to the Kansas City Stock Yards and conversation with both commission men and shippers I know other shippers also sold their cattle or had their cattle sold at 25 cents per head and their hogs as low as $2.50 a car prior to the organization of the Exchange.

On or about December 17, 1896, the first hogs that we sold after the boycott on us was raised by the restraining order issued by Judge Holt in the case now pending in this court affiant had a talk with Mr. Kirk Armour, of the Armour Packing Company, at their packing house. On that occasion I went over to see Mr. Armour about buying our hogs, and to
320 find out if they would trade with us. He knew we were in trouble with the Exchange, and in that conversation Mr. Armour said that he would like to see the case with the Exchange compromised and the trouble settled. He made the statement to me during that conversation that he would rather have the ill will of one firm, meaning Greer, Mills & Co., than the ill will of ninety firms, meaning the ill will of the entire Exchange. In that conversation he said that as long as the courts protected them by injunction he would buy our stock and pay as much to us as to others. The Armour hog buyer at that time was Mr. Beggs, who was also one of the directors of the Live Stock Exchange, and I told him one of the worst

men we had to deal with was his man Beggs. Mr. Armour said to me in reply that he had instructed Mr. Beggs to buy our hogs, and he would take it up with him again and see that he did buy them, and pay us as much for our hogs as he would pay anybody else for the same class of hogs. Right after that conversation Armours and other packers bought our hogs as they had done before the boycott. This was after the issuing of the restraining order by Judge Holt, which is still in force at this date. He gave me to understand in this conversation that without the restraining order or injunction from the court protecting them against the Exchange that they could not afford to buy our stock from us.

Affiant further states that he has read the affidavits sworn to in bulk by E. J. Ricks, W. S. Hanna and nine others, wherein on page 2, they say that Greer, Mills & Co. were suspended for non-payment of fine by the Board of Directors leaving it to be inferred that they had been suspended from the Exchange prior to their surrendering their certificates of membership. The fact is, that at the time the certificates of membership were surrendered the firm of Greer, Mills & Co. were not suspended, but were members of the Exchange up to the time of withdrawing therefrom, by the surrender of their certificates. It is true that on September 10, 1896, a notice of suspension by the order of the Board had been posted, but that notice had been taken down, and the order of suspension revoked by the order of the Board of Directors, and such order posted on the bulletin board after Judge Philips had issued his restraining order and mandatory direction in the case of Greer, Mills &
Co., in the Circuit Court of the United States for the
321 Western District of Missouri, and it is not true that Greer, Mills & Co. stood in the relation to the Exchange as suspended members at the time the certificates of membership of the members of the firm of Greer, Mills & Co. were surrendered at the date of their withdrawal from the Exchange on November 16, 1896.

Affiant states that he has never made any threats, and neither have the members of the firm of Greer, Mills & Co. made any threats to destroy the usefulness of the Kansas City Live Stock Exchange. The only part of said exchange that affiant or the firm of Greer, Mills & Co. have opposed or been striking at are the illegal rules and by-laws. The only objections or trouble the firm of Greer, Mills & Co. have had with the Exchange has arisen from the by-laws of the Exchange, that have been declared by the courts of Kansas to be illegal and void. It is by reason of such by-laws that the Exchange is given the power to injure and destroy the business of others.

"The affidavit of E. J. Ricks and others above referred to states that Mess. Wallace, Papham and Beggs who are the authors of the alleged letters and telegrams set forth in the affidavit of Norman B. Greer, were at the time of sending the same solicitors and agents for said Greer, Mills & Co., and affiants believe that said communications constitute a part of the plan and purpose of the said Greer, Mills & Co. to manufacture evidence tending to show that they have been subjected to what is known as a boycott." Affiant states the fact to be that Al. Papham never was in the employ of Greer, Mills & Co., but is an extensive shipper; that Wallace never was in the employ of the firm of Greer, Mills & Co., so far as affiant knows, and if Beggs was at work for the firm, it was for the Chicago house and not for the Kansas City branch. Affiant does know and states the fact to be that neither of the letters and telegrams or any part of them were dictated by the firm of Greer, Mills & Co., or any of their employees, nor were such letters and telegrams instigated by the firm of Greer, Mills & Co. for any purpose, but that such letters and telegrams came from the parties whose names are subscribed to them in the natural and usual course of business, and
322 grew out of the condition of things that at the time surrounded the writer or sender growing out of the boycott on the firm of Greer, Mills & Co., and it is not true that such communication constitute a part of a plan or purpose to manufacture evidence to show a boycott. That such evidence was the natural outgrowth of the boycott and caused by it.

Affiant further says in reference to the statement made in said affidavit on page 2 that reads "Several years ago the said firm violated the same (meaning the rules) but such violation was excused and the penalty imposed therefor remitted on the [face] of a specific promise by said firm that they would thereafter faithfully keep and observe the same" is not a correct and full statement of the facts. The real facts are, that on such former accusation or charge against the firm of Greer, Mills & Co., it was proven that nearly all of the members of the Exchange from the president down were doing the same things that Greer, Mills & Co., were charged with and for which they were attempting to fine Greer, Mills & Co. The charge was that Greer, Mills & Co. were employing as solicitor a man engaged in another business. When it was charged and proven that nearly every other member of the Exchange including the president, had been doing the same thing, the charges were withdrawn, and the injunction suit commenced by Greer, Mills & Co. dismissed, each side paying their own costs.

N. B. GREER.

Subscribed in my presence, and sworn to before me this 12th day of March, 1897. JENNIE M. GOODWIN,
[Seal] Notary Public.
My commission expires March 24th, 1900.

323 Kansas City Stock Yards,
Kansas City, Mo., June 23, 1885.

Commission dealer in live stock. Wood Brothers.
S. E. Wood.
D. W. Wood.
E. A. Wood.

Sold for account of N. B. Greer,
Emporia, Kansas.

Hogs.	Weight.	Off.	Price.		Amount.
1 dead.	300		1.00	3.00	
54	14680	120	3.65	531.44	$534.44

Morris B. & Co.

Charges.

	Freight	23.50	
	Yardage	4.32	
	Hay		
3 sows	Corn	1.50	
	Commission	5.00	34.32
	Net proceeds		500.12

E. & O. E. Wood Brothers,
Per

324 Kansas City Stock Yards,
Kansas City, Mo., June 25, 1885.

Commission dealer in live stock. Wood Brothers.
S. E Wood.
D. W. Wood.
E. A. Wood.

Sold for account of N B. Greer,
Emporia, Kansas.

Hogs.	Weight.	Off.	Price.		Amount.
Dold 69	14950	40	3.75	559.12	
1 dead.	160		1.00	1.60	
1 dead.	200		1.00	2.00	
					562.72

Charges.

Freight	25.00	
Yardage	5.60	
Hay		
Corn	1.50	
Commission	5.00	37.10
Net proceeds		$525.62

E. & O. E. Wood Brothers,
Per

325

Kansas City Stock Yards,
Kansas City, Mo., July 22, 1885.

Commission dealer in live stock.
S. E. Wood.
D. W. Wood.
E. A. Wood.

Wood Brothers.

Sold for account of N. B. Greer,
Emporia, Kansas.

Hogs.	Weight.	Off.	Price.		Amount.
Fowler 62	14120	200	4.37½	609.	
					609.00
		Charges.			
		Freight		26.75	
5 sows.		Yardage		4.96	
		Hay			
		Corn		1.50	
		Commission		5.00	38.21
		Net proceeds			570.79

E. & O. E. Wood Brothers,
Per

326

Kansas City Stock Yards,
Kansas City, Mo., July 28, 1885.

Commission dealer in live stock.
S. E. Wood.
D. W. Wood.
E. A. Wood.

Wood Brothers.

Sold for account of N. B. Greer,
Emporia, Kansas.

Hogs.	Weight.	Off.	Price.		Amount.
Garrett 44	9070	200	4.25	376.97	
Bersin 1 cripple				9.50	
					386.47
		Charges.			
		Freight		23.50	
3 sows.		Yardage		3.60	
1 stag.		Hay			
		Corn		.75	
		Commission		5.00	32.85
		Net proceeds			$353.62

E. & O. E. Wood Brothers,
Per

327

Kansas City Stock Yards,
Kansas City, Mo., July 9, 1885.

Commission dealer in live stock.
S. E. Wood.
D. W. Wood.
E. A. Wood.

Wood Brothers.

Sold for account of N. B. Greer,
Emporia, Kansas.

Hogs.	Weight.	Off.	Price.		Amount.
Bassett 55	11680	240	3.75	429.00	
Beson 1 cripple.				9.00	
					438.
		Charges.			
		Freight.....		25.	
2 sows.		Yardage.....		4.48	
2 stags.		Hay			
		Corn.....		1.15	
		Commission.....		5.00	35.63
		Net proceeds ..			402.37

E. & O. E.

Wood Brothers,
Per

328

Kansas City Stock Yards,
Kansas City, Mo., Feb. 25, 1884.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price	
50	13600	160	6.80	
				914.92
	Charges.			
	Freight.....		27.	
	Yardage		4.	
	Hay			
Quinlan, Montgomery & Co.	Corn		1.50	
M.	Commisssion		5.00	37.50
E. & O. E.	Net proceeds..			877.42

329

Kansas City Stock Yards,
Kansas City, Mo., Dec. 29, 1880.

Quinlan Montgomery & Co.
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
58	14850		4.35	638.14

2 sows, 80
1 stag, 100 180 dock.
1 hog unsold. Market slow to-day, none sold till afternoon.

Charges.		
Freight	25.	
Yardage	4.72	
Hay		
Corn	75.	
Commission	5.00	35.47
		602.47

E. & O. E. Quinlan M. & Co. G. Net proceeds ....

330

Kansas City Stock Yards,
Kansas City, Mo. Dec. 30, 1880.

Quinlan Montgomery & Co.
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.		Dockage.	Price.	
58	14850	Completed sales.	180	4.35	638.14
1	310			4.00	12.40
59					650.54

2 sows, 80
1 stag, 100 180 off.

Charges.		
Freight	25.00	
Yardage	4.72	
Hay		
Corn	.75	
Commission	5.00	35.47
		615.07

E. & O. E. Q. M. & Co. Net proceeds.

331 Kansas City Stock Yards,
Kansas City, Mo., 3/24, 1881.

Quinlan, Montgomery & Co.
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage	Price.	
1 dead.	180		2½	4.50
76	18410	200	5.00	910.50
77				915.00

Last car 1 crip..... 6.00
6 750.4[10]...30.75

36.75

Charges.

	Freight.....	25.00	
2 stags, 200 dock.	Yardage.....	6.08	
Very slow market.	Hay		
	Corn	1.50	
	Commission	5.00	37.58
	Net proceeds..		877.42

E. & O. E. Quinlan, M. & Co.
G.

332 Kansas City Stock Yards,
Kansas City, Mo., April 22, 1881.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
68	13,070	160	5.37½	693.91

Charges.

	Freight	22.00	
	Yardage.....	4.00	
4 sows, 160 dock.	Hay		
	Corn	2.65	
	Commission....	5.00	33.65
	Net proceeds..		660.26

E. & O. E. Quinlan, M. & Co.
G.

333

Kansas City Stock Yards,
Kansas City, Mo., ..., 188 .

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
70	14,710	140	6.25	910.62
1 dead.	250		1½	3.75
				914.37

Charges.

Freight.....	30.	
Yardage.....	5.68	
Hay		
Corn.....	5.50	
Commission	5.00	46.18
Net proceeds.		868.19

1 boar unsold.

E. & O. E. Q., M. & Co.
M.

334

Kansas City Stock Yards,
Kansas City, Mo., Jan'y 31, 1881.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
57	15,570	220	5.00	767.50
10	1,790		4.90	87.71
				855.21

Charges.

Freight.....	25.00	
Yardage	5.36	
Hay		
Corn.....	2.65	
Commission	5.00	38.01
Net proceeds .		817.20

3 sows, 120.
1 stag, 100. 220 dock.
Closed steady.

E. & O. E. Q., M. & Co.

335

Kansas City Stock Yards,
Kansas City, Mo., ..., 188..

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
65	16,050	40	5.90	944.50
2 dead.	560		2.	11.20
				955.70

Charges.		
Freight	25.00	
Yardage	5.20	
Hay		
Corn		
Commission	5.00	35.20
Net proceeds..		920.50

Quinlan, M. & Co.
M.

E. & O. E.

336

Kansas City Stock Yards,
Kansas City, Mo., Mch. 1st, 1882.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
69	16,560	40	6.45	1,065.54

Charges.		
Freight	25.00	
Yardage.....	5.52	
Hay		
Corn	1.	
Commission	5.	36.52
Net proceeds .		1,029.02

E. & O. E. Quinlan, Montgomery & Co.
M.

337

Kansas City Stock Yards,
Kansas City, Mo., Apl. 27, 1883.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
57	14,100.	120	$7\frac{1}{8}$	936.07
3 dead.	620.		$1\frac{1}{2}$	9.30
				1,005.37

Charges.

Freight	25.	
Yardage..... ...	4.56	
Hay		
Corn	1.50	
Commission ...	5.	36.06
Net proceeds.		$969.31

E. & O. E. Quinlan, Montgomery & Co.
M.

338

Kansas City Stock Yards,
Kansas City, Mo., Dec. 5, 1885.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
43	12,300	120	$3\frac{1}{2}$	$426.30

Charges.

Freight	25.	
Yardage.....	3.44	
Hay		
Corn	1.50	
Commission	5.00	34.94
Net proceeds.		$391.36

E. & O. E. Quinlan, Montgomery & Co.
M.

339

Kansas City Stock Yards,
Kansas City, Mo., June 17, 1885.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.		
1 d.	220		1.	2.20	
11	1380		3.40	46.92	
55	13440	240	3.60	475.20	
					524.32
		Charges.			
		Freight		25.00	
		Yardage		5.28	
		Hay			
		Corn		1.50	
Q., M. & Co.		Commission		5.00	36.78
		Net proceeds.			487.54

E. & O. E.

340

Kansas City Stock Yards,
Kansas City, Mo., Aug. 29, 1885.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.

Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
24	4,250	40	4.20	$176.82
30	1,096	200	4.20	451.92
1 d.	400		1.	4.
				132.74
		Charges.		
		Freight	27.50	
		Yardage	5.04	
		Hay		
		Corn	1.50	
		Commission	5.	39.04
		Net proceeds.		593.70

E. & O. E. Quinlan, Montgomery & Co.

341

Kansas City Stock Yards,
Kansas City, Mo., June 24, 1885.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
1 d	320		3.20	
52	16,990	160	610.08	613.28

Charges.

Freight	25.	
Yardage	4.16	
Hay		
Corn.....	1.50	
Commission.....	5.	35.66
Net proceeds.		577.62

E. O. & E. Quinlan, Montgomery & Co.

342

Kansas City Stock Yards,
Kansas City, Mo., Feb. 24, 1886.

Quinlan, Montgomery & Co.,
Live Stock Commission Merchants.
Sales for account of Greer & Way.

Hogs.	Weight.	Dockage.	Price.	
68	15,300	80	3.90	$593.58

Charges.

Freight	25.	
Yardage	5.44	
Hay		
Corn.....	1.50	
Commission	6.	37.94
Net proceeds.		$555.64

E. O. & E. Quinlan, Montgomery & Co.

M.

343 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainants,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

The State of Kansas,
County of Wyandotte—ss.

Wm. P. Goode, being of lawful age and being first duly sworn, deposes and says: That he is a resident of Lenexa, Johnson County, Kansas, and a shipper of live stock to the Kansas City market. That prior to the organization of the Kansas City Live Stock Exchange he was a shipper to the Kan-

sas City market and had been for twenty years, shipping both cattle and hogs for sale at that market to live stock commission merchants at the Kansas City Stock Yards. That prior to the organization of the Kansas City Live Stock Exchange it was the custom and practice for the shipper and commission merchants to whom the shipment was made to make such bargain as they could agree upon as to the rate of commission to be [chargeed] for selling said stock, both hogs and cattle. That while the supposed charges for commissions was 50 cents per head for cattle and $5.00 per car load for hogs prior to the organization of the Kansas City Live Stock Exchange, affiant sold his cattle through commission men for 25 cents per head, or rather obtained a rebate of 25 cents per head on cattle, and $1 on hogs per load. The rate of commission on both hogs and cattle depended a great deal upon the volume of business, and where a shipper had any considerable
344 amount of stock to sell, it was usually the custom and practice to sell them as low as 25 cents a head for cattle and $4.00 per car load for hogs.

From affiant's experience in shipping cattle and hogs to the Kansas City market prior to the organization of the Kansas City Live Stock Exchange, the affiant knows it was a common thing for a commission man to rebate 25 cents per head for cattle and $1.00 per carload for hogs, and that such rebates were not limited to affiant's business, but was given to others that were shipping to Kansas City market. That it is only since the organization of the Kansas City Live Stock Exchange and the establishing by their rules and by-laws of the rates of commissions that the arbitrary charge is made of $12 per car load for cattle and $6 per car load for hogs.

W. P. GOODE.

Subscribed in my presence and sworn to before me this 13th day of March, 1897. GEO. W. BOWER,

[Seal.] Notary Public.

My commission expires August 23, 1898.

Indorsed: United States vs. Henry Hopkins et al. Affidavit of Wm. P. Goode.

345 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainants,

vs.

Henry Hopkins et al., Defendants.

AFFIDAVIT.

The State of Kansas,

County of Wyandotte—ss.

John O. Boggs, being of lawful age and being first duly sworn, deposes and says: That he is a resident of Lee's Sum-

mit, Mo., and a shipper of live stock to the Kansas City market. That prior to the organization of the Kansas City Live Stock Exchange he was a shipper to the Kansas City market and had been for twenty-five years, shipping both cattle and hogs for sale at that market to live stock commission merchants at the Kansas City Stock Yards. That prior to the organization of the Kansas City Live Stock Exchange it was the custom and practice for the shipper and commission merchants to whom the shipment was made to make such bargain as they could agree upon as to the rate of commission charged for selling said stock, both hogs and cattle. That while the supposed charges for commissions was 50 cents per head for cattle and $5.00 per car load for hogs prior to the organization of the Kansas City Live Stock Exchange, affiant sold his cattle through commission men for 25 cents a head and $2.50 rebate on hogs per car load. The rate of commission on both hogs and cattle depended a great deal upon the [valume] of business, and where a shipper had any considerable amount
346 of stock to sell, it was usually the custom and practice to sell them as low as 25 cents a head for cattle and $2.50 per car load for hogs.

From affiant's experience in shipping cattle and hogs to the Kansas City market prior to the organization of the Kansas City Live Stock Exchange, the affiant knows it was a common thing for a commission man to rebate 25 cents per head for cattle, and $2.50 per car load for hogs, and that such rebates were not limited to affiant's business, but was given to others that were shipping to said market. That it is only since the organization of the Kansas City Live Stock Exchange and the establishing by their rules and by-laws of the rates of commissions that the arbitrary charge is made of $12.00 per car load for cattle and $6.00 per car load for hogs.

JOHN O. BOGGS.

Subscribed in my presence and sworn to before me this 12th day of March, 1897.

[Seal] GEO. N. LONGFELLOW,
Notary Public.

My commission expires November 13th, 1898.

Indorsed: United States vs. Henry Hopkins et al. Affidavit of Jno. O. Boggs.

347 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainants,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

The State of Kansas,
County of Wyandotte—ss.

Daniel Whiting, being of lawful age and being first duly sworn, deposes and says: That he is a resident of Lee's Summit, Mo., and a shipper of live stock to the Kansas City market. That prior to the organization of the Kansas City Live Stock Exchange he was a shipper to the Kansas City market and had been for twenty years, shipping both cattle and hogs for sale at that market to live stock commission merchants at the Kansas City Stock Yards. That prior to the organization of the Kansas City Live Stock Exchange it was the custom and practice for the shipper and commission merchants to whom the shipment was made to make such bargain as they could agree upon as to the rate of commission [chargeed] for selling said stock, both hogs and cattle. That while the supposed charges for commissions was 50 cents per head for cattle and $5.00 per car load for hogs prior to the organization of the Kansas City Live Stock Exchange, affiant sold his cattle through commission men for 25 cents a head and $2.50 rebate on hogs per car load. The rate of commission on both hogs and cattle depended a great deal upon the volume of business, and where a shipper had any considerable amount of stock to sell,
348 it was usually the custom and practice to sell them as low as 25 cents a head for cattle and $2.50 per car load for hogs.

From affiant's experience in shipping cattle and hogs to the Kansas City market prior to the organization of the Kansas City Live Stock Exchange, the affiant knows it was a common thing for a commission man to rebate 25 cents per head for cattle, and $2.50 per car load for hogs, and that such rebates were not limited to affiant's business, but was given to others that were shipping to said market. That it is only since the organization of the Kansas City Live Stock Exchange and the establishing by their rules and by-laws of the rates of commissions that the arbitrary charge is made of $12.00 per car load for cattle and $6.00 per car load for hogs.

DANIEL WHITING.

Subscribed in my presence and sworn to before me this 12th day of March, 1897. F. L. HACKLER,
[Seal] Notary Public.
My commission expires July 10th, 1898.

Indorsed: United States vs. Henry Hopkins et al. Affidavit of Daniel Whiting.

349 In the Circuit Court of the United States for the District of Kansas, First Division.

The United States, Complainant,
vs.
Henry Hopkins et al., Defendants.

AFFIDAVIT.

A. Wagoner, being first duly sworn, deposes and says: I am now living in Kansas City, Mo. Formerly I was a resident of Chicago, Ill. Prior to my residence in Chicago I was a resident and citizen of Iowa. Twenty years ago or more while living in the State of Iowa I was engaged in the business of handling and shipping live stock to the Chicago market. My shipments were mostly from Iowa, but occasionally from the State of Missouri. I was in such business of handling and shipping live stock to the Chicago market from Iowa and Missouri for some ten or twelve years. I went from Iowa to Chicago and there became a live stock commission merchant at the stock yards, where at that day the purchase and sale of live stock was made at the Chicago market. I had been in Chicago as a live stock commission merchant some three or four years before the organization of what is known as the Chicago Live Stock Exchange. Prior to the organization of such exchange at Chicago, shipments were made of live stock to that market and consigned or delivered when they arrived at such yards to persons usually acquaintances who were located at such yards and who were familiar with the methods of handling the live stock and their care and the steps necessary to make a sale thereof at that market. Such persons so handling the stock shipped to their care from the country made a charge for their services and time and attention given to seeing that the live stock had proper care and attention, were honestly weighed and accounted for and the proceeds of sale remitted, and that they obtained fair treatment and the regular
350 market price for the stock so handled. The persons performing that kind of service for their friends and country acquaintances were eventually called commission merchants, because their business consisted in giving their time and attention, their business character and integrity to trying to obtain the best market price for the live stock so shipped to them for the purpose.

During affiant's residence and business in the State of Iowa he formed a large number of acquaintances and made many

friends in the live stock business and among cattle growers, feeders and shippers, who became his patrons after he went into the commission business in the City of Chicago, and in that way built a good business for himself as a live stock commission merchant at the stock yards in Chicago. During the three or four years that affiant was handling such business as a commission merchant prior to the formation of the live stock exchange in Chicago affiant became familiar and was observant of all the methods of doing business in the shipment to said market, the handling, care and sale of live stock on said market, and the methods of doing business by commission men, and their dealings with their patrons from the country. From such knowledge affiant is able to state and does state as a fact, that while the business was so being carried on at said market without the aid of any exchange or combination to uphold commissions or to discipline members for illegal or unfair transactions there was no more complaint or dissatisfaction about commissions charged for services rendered, nor about unfair dealing or any trickery or advantage taken of country shippers than there is to-day under the control and monopoly of the Chicago Live Stock Exchange, but business went on as harmoniously and satisfactory to all parties concerned as it does to-day.

Affiant was one of about thirteen men doing business at Chicago as live stock commission merchants who took the first step and made the first organization that eventually led to the formation of what is now The Chicago Live Stock
351 Exchange. The necessity that brought us together at that time was this: The hogs from the country were all sold at the Chicago market at that time to the packers or slaughter houses, and eastern shippers or to parties who purchased for eastern shippers. In selling hogs for slaughter a certain amount is taken off in weight where there are piggy sows, stags or rough hogs, as such animals do not make good meat for food product, or at least packers claim that they make less good meat than other hogs, and that they can not afford to pay as much for them. That is what is called docking hogs. At this time the packers had in their employ and furnished men for the purpose of docking hogs as they were weighed over the scales. The commission men did not have a word to say about it. They would not take the estimate of weight to come off or that was fair and just of the commission men but arbitrarily took off such weight as they pleased, and would not buy unless their own arbitrary deduction was made. The purchase of the hogs was first made by the packers before this dockage or before the men that they called the shrinker passed upon them. While the seller of the hogs might argue the question as to how much ought to come off

they either had to take the estimate made by the packers' men or keep their hogs and sell them over again, which in most cases meant 5 or 10 cents less in the price agreed to on the first sale, thus entailing a loss in that way. This did not apply to the parties who purchased for shipments because such purchases were hogs selected and picked out that were smooth and merchantable, and not the class of hogs that were sold to the packers.

The owners of the hogs and shippers from the country made such complaint of unjust deductions and heavy dockage forced by the packers that myself and the others named, commission men, proposed to adopt some measure or plan to prevent such arbitrary work, and we got together and adopted a plan of this kind: We submitted a plan to the packers that dis-
352 interested men should be chosen who were not interested with the packing companies or as commission merchants, who should be located at each scale and their salaries be paid by the commission merchants, who should at the time of weighing pass upon the amount that should be deducted or docked. If their dockage was not satisfactory to the packing interest in any case, that a general inspector who was likewise hired by the exchange but who was a disinterested party should then be called to give his judgment and if they were not satisfied then with his dockage, then, a committee from our number consisting of two was to be called and the matter submitted to such committee, and if they could not agree, this committee should call a third man and the decision of the three should be final. This arrangement the packers refused to agree to for several days, no sale could be made of hogs, and they accumulated there in great numbers until finally, Mr. Armour notified the committee that his buyers would go to buying hogs on the plan submitted by our committee. This was the beginning of what finally became the exchange. The business then continued in that way until the number of commission merchants multiplied and the commission merchants in their increased numbers practically controlled the commission business, or all the buying and selling of live stock was done through their hands at that market. The members were drawn together, or rather all the commission men that were doing business there were drawn together by levying an assessment of five cents a car on all the hogs that arrived at that market to pay the wages of the dockers at the scales, and as the business has grown they afterwards added rules and by-laws for their government and fixed a charge for becoming members of ten dollars each, and made a rule for levying an assessment on the members for such purposes as the regulations provided for. This was the beginning of the combination. Up to this time no obstacles were placed

in the way by the combination to anyone doing business as a commission merchant. The idea was then conceived
353 of making every one who done a live stock commission business in that market become members of this organization, and to that end articles of association, rules and by-laws were so framed as to accomplish that end. The idea was conceived that more money could be made by the different members of the combination out of commission charges by establishing rates of commission and other regulations and such rules and by-laws as were necessary to accomplish that end were embodied in the constitution and by-laws of the association. Regulations were made for carrying these into effect by fines and forfeitures, and by preventing any one from doing business at that market who did not join in association and comply with the rules and regulations. As a means to effect that and when the association desired to discipline any member or prevent any one not a member from doing business, the rules were so amended from time to time so as to compel a person or firm to join the association and to live up to the by-laws, and a means provided for boycotting and crushing out the business of such member or person so refusing to join. For this purpose the rule for posting persons on the bulletin board was adopted, and a rule made that when such person was so posted it should be the duty of all members to refuse to trade or do business with such party so posted, and in this way an effectual boycott was inaugurated. The Chicago Live Stock Exchange up to this time have as a part of its by-laws, rules and regulations very drastic rules for preventing the carrying on of the business of dealing in live stock with any traders on that market unless they belong to such combination.

Affiant is familiar with the organizations of similar associations at Kansas City, St. Louis and Omaha, in each place called live stock exchanges composed for the most part of live stock commission merchants and others who are dealing
354 in live stock at these markets. The Kansas City Live Stock Exchange and like exchanges at both St. Louis and Omaha are taken from the constitution, by-laws, rules and regulations of this Chicago Exchange. They have modeled after the Chicago Exchange in nearly all respects that go to accomplish the common purpose of controlling the trade in that line.

The experience of affiant covering twenty years in the live stock business as commission merchant and connected with others doing business as commission merchants enables affiant to say that such combination, so far as the control of the prices charged for commissions, preventing the sending out of

information concerning the state of the market, limiting the number of employees a commission house may have as solicitors or traveling men, and like rules of that class, is detrimental to the best interests of stock growers and shippers and to the best interest of the market which such combination seeks to control. Affiant would state as some of the reasons why it has that effect as follows: The rules and amendments, and the amendments to rules that have been passed, in my judgment, work a great injustice to a great many people who are identified in the live stock interest in the way of shutting them off from the advantages of a market, making it impossible for them to do business with the countryman at Chicago unless he is a member of the Live Stock Exchange, while at the same time he may be doing business at other exchanges and being a member of other exchanges, by the rules and regulations of the Chicago Exchange he is shut off from all the benefits that he might receive in the way of shipments of stock from shippers and friends of his in adjacent states who ship their stock to Chicago. The same rules hold good at the Kansas City market, and in this way I maintain that the live stock interests of the country and a great many men are injured who are identified with the live stock interests and their interests are materially affected. For instance, a man
355 who has identified himself with the live stock business located in some one state and desires to do business at one of the public markets where such live stock has to be sold, if he is prevented from doing the business of selling or buying or shipping to that market stock for sale in his interest without hindrance or the expense of paying what the rules of some exchange may require as a condition of his doing business, a great majority of men are shut out; as now organized and conducted no live stock goes to these markets by shipment from the country or by shipment from these markets to the country without having to be handled by the commission men that belong to these combines. The same carload of cattle may pay as high as two or three commissions before getting through such market all of which comes out of the grower, owner or shipper. To illustrate: a farmer may ship a carload of cattle to the Kansas City market. They have to be shipped to a commission firm according to the custom that the business has been done through these exchanges. This commission firm will sell such carload of cattle, for instance, to some speculator, who buys for resale; a commission is paid for that sale. Then the speculator may find a purchaser who is willing to pay nearer the value of the cattle and a higher price than the farmer had to take in the first sale. This speculator may, in accordance with the custom and practice grown up, get the services of the same commission firm to make the

second sale, for which a commission is paid. This same commission firm may have a customer from the country who desires to purchase a carload of feeders, and the commission man knowing of this same carload of cattle that has been twice sold, and on which they have already received two commission charges, may induce the party from the country to buy the same, making the third sale and the third commission charge, or thirty-six dollars the aggregate of three commissions for the sale of the same carload of cattle. It is such manipulation brought about by these combinations that makes such charges and such business possible, by the advantages given through such organizations in controlling trade.

356 I claim the methods are detrimental to the best interests of the live stock industry. The instances I have given are not imaginary but illustrate actual transactions that take place very frequently at each of these markets. I may say too, that the excessive prices charged for membership being now $2500 at the Kansas City market to become a member of the Kansas City Live Stock Exchange, is a hardship and prevents a large number of people interested in the live stock industry from dealing at these markets, and if the trading at these markets can continue to be controlled by such organization it will finally end in a paralysis of the live stock industry. I never have believed it was right or to the best interests of the trade to charge a commission on cattle sold out of the market to regular customers in the country as feeders; that is, that were going out into the country to be fed and prepared to come back to the same market as fat cattle, the commission man knowing at the time he made the sale to his country patron and charging him a commission for such service, that when they were fat and ready for market they would come back for sale, on which he would get a second commission. Yet the farmer or feeder have to submit to such double charges. The commission man in complying with the rules of the exchange is compelled to submit to the dictates of the exchange in this respect. The commission men of Kansas City charge $12 a car for buying and selling, that being the rate fixed by the rules.

The cattle and live stock of all kinds that are shipped to this market for sale originate in several different states and territories. In being shipped at the place of origin to this market for sale they pass out of the state of their origin for the most part through or into other states before the final consummation of the sale or purchase, and before they become property of changed ownership in another state [or] converted into a food product for home or foreign consumption; a large percentage of the shipments to the Kansas City market

357 are slaughtered for food product by the packers and

such food product shipped into other states and to foreign countries. The business is essentially interstate in its nature, and anything that goes to increase the cost of the food product or to decrease the amount the raiser or grower shall receive for the same is to that extent an embargo upon the business, and upon such live stock as product.

Any combination at these markets that in effect controls the price or enters into as a factor, influencing the price by concerted action and adding unnecessary charges, is certainly detrimental to the best interests of the producers and feeders of live stock and to the farming and agricultural interests generally. As such combinations have their center of control at these markets, they affect through their rules and by-laws the interests of different states and the interests of the men who are identified with the live stock industry. It prevents that free competition that should exist in all markets, and which makes the life and trade of commerce.

It is the mature opinion of affiant from his long experience that the rules and regulations of the exchanges to control the trade at these markets have been carried too far for the best interests of the markets and the general welfare of all parties interested in the trade, and that aside from the rules to inculcate high moral dealing and discipline for fraud and breach of contracts that the rules they have are not necessary either to build up or maintain a public market.

A. WAGGONER.

Subscribed in my presence and sworn to before me this 2nd day of March, 1897. JENNIE M. GOODWIN.

[Seal] Notary Public.

My term expinres March 24th, 1900.

358 Indorsed: United States vs. Henry Hopkins et al. Affidavit of A. Wagoner.

* * * * * * * * *

424 In the Circuit Court of the United States in and for the District of Kansas, First Division.

The United States of America, Complainant,
No. 7402. vs. In Equity.
Henry Hopkins, A. Isaacson, F. X. Jardon, J. T. Kiely, A. J. Knollin, W. L. Ladd, T. F. McDonald, J. W. Orlander, M. S. Peters, O. C. Peters, Gilamn Reed, E. E. Richardson, W. A. Rogers, J. K. Southee, J. M. Sweeney, Henry Theis, E. E. Trowbridge, Harry Trower, O. B. Trower, S. R. Trower, Wm. Winder, R. H. Wise, L. M. Egan, Fred Ehrke, W. F. Grant, W. S. Hannah, J. H. Clofelter, T. E. Ladd and Woodson McCoy, and others, Defendants.

STATEMENT OF THE CASE.

The bill in this case is presented under the act of Congress of July 2nd 1890 (26 Stat., 209); it charges that each of the defendants, about three hundred in number, are members of a voluntary, unincorporated association known and designated as the Kansas City Live Stock Exchange, and have adopted articles of association and rules and by-laws whereby they have agreed that they will faithfully observe and be bound by the same; that the government of said association is vested in a board of eleven directors and its officers, consisting of a president, vice-president, secretary and treasurer; its place of business is in a building situated on the line between the States of Missouri and Kansas, and that defendants transact business partly in one state and partly in the other; that substantially all of the business transacted in the matter of receiving, buying, selling and handling live stock at the Kansas City Stock Yards is carried on by defendants, and other members of said exchange, as commission merchants; that a large proportion of such live stock is shipped from the States of Kansas, Nebraska, Colorado, Texas, Missouri, Iowa, and Arkansas, and the Territories of Oklahoma, Arizona and New Mexico, and is sold by the defendants to the various packing houses in Kansas City, Missouri, and Kansas, and also for shipment to other
425 markets; that a vast number of live stock is thus annually received and sold; that said Kansas City market is a public market, and supplies a large number of packing houses in Kansas City, Kansas, and Kansas City, Mo., and other cities in different states of the Union; that the Kansas City market, next to Chicago, is the largest live stock market in the world; that under the practice and custom at said yards the live stock there received is delivered to commission merchants who receive, handle, sell or reship the same for the consignors and owners thereof to other states and territories, charging a commission for their services; that in the course of business at said yards said stock is moved and shifted from one state to the other according to the convenience of said Kansas City Stock Yards Company; that a large portion of said stock is incumbered by mortgages, executed by the owners thereof to the defendants members of said exchange, who advance large sums of money to growers and owners of cattle to provide the means to feed and prepare it for the market; that when such cattle are ready for shipment, they are consigned to the defendants and others members of said Exchange, who have made such advancements, and the amount thereof, and interest, is deducted from the proceeds of sale; that ninety per cent of the members of said Exchange make such advancements; that said stock yards accord to owners and shippers of live stock, the only available means at that place for hand-

ling, selling, and reshipping live stock; that by reason of its situation, said Kansas City Stock Yards are the only available public market for the purchase and sale of live stock for an exceedingly large territory of the United States, and the only available means for the exchange of interstate traffic between the states and territories named, the stock being sold in said yards to be shipped to other states of the Union; that it is the custom among a large number of cattle growers and shippers who consign live stock to the Kansas City Stock Yards, to draw drafts on the commission merchants to whom such stock is consigned and attaching the bill of lading issued by
426 the carrier therefor, to draw money on said drafts from local banks, and when presented to the consignees, said drafts are paid by them in Kansas and Missouri, and the proceeds remitted to the banks in the various towns and cities where the live stock was shipped; that by reason of the fact that said yards are in the States of Missouri and Kansas, and the live stock handled and sold therein is at times in Kansas, and at others in Missouri, and are transported from different states to be sold and shipped to other states; that said business is interstate in character, and can only be controlled by federal legislation, as a part of commerce between the states. The bill further charges that if the person or partnership to whom live stock is consigned at Kansas City is not a member of said exchange, he is not permitted to sell or dispose of such live stock on the Kansas City market, for the reason that the defendants, and all other commission merchants doing and controlling the business at said yards are required by the rules of said Exchange to refuse to buy live stock, or in any manner deal with a person who is not a member of said Exchange, and in all such cases the owner of the live stock is compelled to reship the same to some other market, and by reason of said unlawful combination, is prevented from delivering said live stock to the Kansas City Stock Yards, and the sale of the same is thereby hindered and delayed, extra expense and loss entailed to the shipper, and an obstruction placed upon the marketing of such live stock. That among other rules for the government of said Exchange, are the following:

"Rule IX. Commissions.

"Section 1. The commissions charged by members of this Association for selling live stock shall not be less than the following named rates:

Sec. 2. Six dollars per car load for single-deck car loads of hogs or sheep, and ten dollars per car load for double-deck

car loads of the same: Provided, members of this Exchange may, after charging commissions as above provided, pay a regular sheep salesman on these yards a sum of money contingent on number of sheep sold. Said sheep salesman may be in the employ of other members of the Exchange.

427 Sec. 3. Fifty cents per head for cattle of all ages. In carloads of twenty-four or more, not more than twelve dollars per carload; ten dollars per single-deck carload, and eighteen dollars per double-deck carload of veal calves.

Sec. 4. Fifty cents per head for cattle and twenty-five cents per head for calves and ten cents per head for hogs and sheep in mixed carloads, but not to exceed twelve dollars per carload. Fifty cents per head for cattle and twenty-five cents per head for calves driven into the yards, and ten cents per head for hogs and sheep, for sixty head or less; more than that number shall be charged for at carload rates.

Sec. 5. Fifty cents per head for buying cattle for stockers or feeders: Provided, such charges shall not exceed twelve dollars per carload; six dollars per single deck carload for buying sheep and ten dollars per double-deck carload. All purchases paid for by a commission house or shipping clearance made by same shall be deemed a purchase and charged for as above provided.

Sec. 6. Not less than four dollars per single-deck and five dollars per double-deck carload for buying live hogs, and not less than three cents per head for hogs bought by the head.

Sec. 7. No member or commission firm or corpoation represented herein shall do business for a yard trader or speculator on this market for less charges than one-half the regular commission.

Sec. 8. No firm shall handle the business of a non-resident commission house for less than full commissions, except said consignments be made direct to said non-resident commission house from one of the following named markets: Chicago, Ill.; East St. Louis, Ill.; St. Louis, Mo.; Omaha, Nebraska; Wichita, Kas.; Denver Col.; Pueblo, Col.; St. Joseph, Mo.; Sioux City; Ia.; Peoria, Ill.; Milwaukee, Wis.; and Ft. Worth, Texas.

Sec. 9. No member of this Exchange or firm or corporation represented herein shall cause or allow to be shipped in his or its name any kind of live stock for the purpose of violating any of the provisions of this rule.

Sec. 10. No agent, solicitor, or employe, shall be hired except upon a stipulated salary not contingent upon commissions

earned (save as provided in section 2 of this rule). No solicitor shall be employed except as a bona fide traveling agent, who shall not solicit consignments local to his own neighborhood only nor to secure his individual trade. Nor shall any agent, solicitor or employe, be hired who is employed by any other party or parties, or who is actively engaged in other business (save as provided in section 2 of this rule). Members of this Exchange must file with the Secretary within five days of employment, the names and addresses of their solicitors. More than three solicitors shall not be employed at one time by a commission firm or corporation. Members of a commission firm or corporation—resident or non-resident of Kansas City—may travel as solicitors but must be registered as one of the three allowed each firm or corporation. It shall be a violation of this rule for any solicitor representing or claiming to represent a commission firm or corporation in any other market, to solicit for any Kansas City firm; and members shall be held accountable for the acts of any solicitor who, under the guise of soliciting for a branch house, solicits for a Kansas City firm or corporation.

Sec. 11. Any member of this Association or firm or corporation represented herein, sending or causing to be sent a prepaid telegram or telephone message quoting the market, giving information as to the condition of the same, shall be fined not less than $100 nor more than $500. If said fine be not paid within three days, said firm or member shall be suspended until said fine is paid: Provided, however, that prepaid messages may be sent to shippers quoting actual sales of their stock on the day made; also to parties desiring to make purchases on this market.

428 Sec. 12. Any member of this Exchange or firm or corporation in which he may be a partner, violating any of the provisions of this rule, shall be fined not less than $500, nor more than $1,000, for the first offense; if said fine be not paid within three days, said member or firm may be suspended from membership until same is paid. For a second offense, said member or firm may be expelled from membership in the Exchange.

Sec. 13. From such fines and special assessments, the Exchange shall pay a reward of $500 to any party or parties furnishing sufficient evidence to convict any member of a violation of any of the provisions of this rule, and said reward shall be paid immediately after conviction.

Sec. 14. For the purpose of making effective section 12 of this rule, when the treasurer shall not have on hand from fines collected the sum of $500, the directors shall levy a special

assessment, pro rata, on each commission firm or corporation buying or selling live stock in this market who is a member of the Exchange, and they shall continue to levy such special assessments in such amounts as will keep a fund of $500 constantly on hand for this purpose. Said fund shall be kept as a special fund and shall be used for no other purpose.

Sec. 15. Each firm or corporation represented in this Exchange shall be held responsible for any violation of this rule by any party doing any portion of a commission business in its name, and any penalty imposed for violation of the foregoing shall be on account of such party; if not paid within three days, the firm or corporation doing said business shall sever its business connections with such party within ten days. No firm or corporation shall thereafter do any business for such party until said fine is paid.

"Rule XVI. Limitations."

Section 1. No member of the Kansas City Live Stock Exchange shall transact any business with any person violating any of the rules or regulations of this Exchange, or an expelled or suspended member, after notice of such violation, suspension or expulsion, has been issued by the Secretary or Board of Directors of the Exchange."

The bill further charges that the defendants by the adoption of said articles of association have confederated and conspired together in violation of the laws of the United States, and particularly of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and to monopolize the business of buying and selling live stock at the Kansas City market, and to illegally fix and establish a minimum price for buying and selling the same, and have further in restraint of trade and commerce between the states confederated together to prevent and restrain the free transmission of information regarding the state of the market by telegraphic messages, and have restricted the free employment of agents and solicitors in the prosecution of business at said stock yards; that the purpose of defendants in organizing said Exchange is to prevent the shipment of any live stock to the Kansas City
429 market unless shipped to the Kansas City Stock Yards, and to defendants or other members of said Exchange, and the further purpose was to compel shippers to pay to defendants and their associates the commissions provided for in rule 9, and to prevent the shipment and sale of property on said market unless such commissions were so paid.

The bill further charges that it was also the purpose of said defendants and their associates to monopolize the business of

receiving, handling and selling live stock received at said market, and also to prevent its sale by any person not a member of said Exchange, and to obstruct and retard the owners of such live stock in the sale of the same on the market at Kansas City. Thereupon, the complainant prays for a decree dissolving said Exchange, and for an injunction against said defendants restraining them from enforcing or acting pursuant to the rules and by-laws of said Association.

The defendants for answer to said bill admit the organization of said defendants into an Association known as the Kansas City Live Stock Exchange, and aver that similar associations under the names of Boards of Trade or exchanges exist in practically every city of importance in the United States, devoted to the buying and selling of stock, bonds, grain, live stock, petroleum and all other products, with similar rules for government and transaction of business in order that competition between the members may be fair and reasonable; that said methods are sanctioned by the experience of the commercial world, and tend to develop trade and commerce, and not to restrict the same. The preamble of their organization is as follows:

"We, the undersigned, for the purpose of organizing and maintaining a business Exchange, not for pecuniary profit or gain, nor for the transaction of business, but to promote and protect all interests connected with the buying and selling of live stock at the Kansas City Stock Yards, and to promulgate and enforce amongst the members correct and high moral principles in the transaction of business, have associated ourselves together under the name of Kansas City Live Stock Exchange, and hereby agree each with the other, that we will faithfully observe and be bound by the following rules and by-
laws, and such new rules, additions or amendments as
430 may from time to time be adopted in conformity with
the provisions thereof, from the date of organization, by the election of a Board of Directors and other officers as prescribed by Rule 1."

The defendants deny that through their membership substantially all of the business of buying and selling live stock at Kansas City is carried on; on the contrary, any person desiring to sell live stock at said city is under no obligation to employ a commission merchant, but is at full liberty to act for himself, and the stock yards company extends to such person all the privileges and facilities afforded by it, and persons desiring to purchase live stock at the yards may, and they constantly do, purchase direct from the owners, and that very much the largest part of the cattle purchased for feeding are bought without the employment of any commission merchant;

the only restriction upon members of the Exchange is that contained in rule 16, viz: that they will not deal with a person as a commission merchant who violates the rules of the Exchange, or who is a suspended or expelled member thereof.

It is further averred that the Kansas City market is not a public market, but is of a private character merely; defendants further aver that with the exception of the firm of Greer, Mills & Company, which was first suspended from membership in the Exchange for non-payment of a fine imposed for a violation of the rules thereof, and which subsequently voluntarily withdrew from said Exchange, all of the commission merchants at said yards are members of the Exchange. Defendants further aver that whenever drafts are drawn on a commission merchant, they are paid either at the place where payable by the terms thereof, or on presentation to the drawee, and that such place of payment is either in the state of Kansas or Missouri, according as the particular transaction is closed.

Defendants are informed by counsel and believe that the exercising of their occupation is not commerce between the states within the meaning of the constitution or laws of the United States; that it is not true that a consignor of live stock is not permitted or cannot sell the same at said yards, or
431 that the members of said Exchange refuse to deal with a non-member thereof; it is not true that any person shipping live stock to said yards and refusing to employ a member of said Exchange is compelled to re-ship the same to some other market; defendants deny that there is any unlawful combination among them or that any person is prevented from delivering stock to the Kansas City stock yards, or that the sale thereof is hindered or delayed, or expense or loss to the shipper entailed, or any obstruction or embargo placed upon the marketing of any live stock; defendants deny that any of the rules of said Association are in restraint of commerce between the states, or otherwise; defendants deny that they have confederated together in violation of the laws of the United States to monopolize the business of buying and selling live stock at said yards, or to illegally fix a minimum price for buying and selling such live stock, or to restrain the free transmission of information respecting the State of the Kansas City market by telegraphic messages, or restrict the free employment of agents or solicitors in said business; that experience has shown that to the success of such an organization, it is absolutely essential that there should be a uniform schedule of commissions, and that all members should observe the same, and that by permitting evasions or violations of such schedule, a condition is created by which irresponsible per-

sons might and would bring about a state of unhealthy cutting of prices, a practice unfair to shippers and purchasers and ruinous to responsible persons who carry on the occupation of commission merchants fairly; they have no desire to prevent any person from acting as a commission merchant at Kansas City, but they admit that it is not to the interest of the public or shippers to employ non members, and that individually and collectively the provisions of their articles of association are invoked for the purpose of preventing the success of any competitor, either in his efforts to destroy said Exchange, or to succeed in driving the competitors of such parties from the field.

The act of Congress of July 2, 1890 (26 Stat. 209), un-
432 der which this proceeding is brought, provides as follows:

"Sec. 1. Every contract, combination in the form of trust or otherwise, or conspiracy in [restraining] of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal." .....

"Sec. 2. Every person who shall monopolize, or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor." .....

Section 4 gives to Circuit Courts of the United States jurisdiction to prevent and restrain violations of the act, and makes it the duty of the District Attorney, under directions of the Attorney General, to institute proceedings in equity to restrain such violations.

W. C. Perry, U. S. Attorney, for the complainant.

Karnes, Holmes & Krauthoff, McGrew, Watson & Watson, and Hutchings & Keplinger, for the defendants.

Foster, J. It will be observed that the answer of the defendants denies and puts in issue, the allegations of the bill charging a combination or conspiracy or contract in restraint of trade or commerce, and denies any monopoly or attempt to monopolize, or combination to monopolize any part of the trade or commerce among the several states, and denies that the business for which the Exchange was organized, and in which its members are engaged, comes under the class of commerce or trade among the states.

The first question, whether there is any combination in restraint of trade or commerce or combination to monopolize any

part of trade or commerce, on the part of the defendant association, is to be determined, not alone from what appears upon the face of its preamble, rules and by-laws, but from the entire situation, and the practical working and results of the
433 defendants' methods of doing business as disclosed by the testimony in the case. The defendant association is located at Kansas City on the line between Kansas and Missouri, in the immediate vicinity of the Kansas City Stock Yards, and in close association therewith, being tenants of said stock yards company. Said yards, with perhaps the exception of the yards at Chicago, are the largest in the country, and handle great numbers of live stock. These yards, the packing houses, and this Exchange, are all situated at the gateway through which flows the great stream of commerce of several states and territories, and among all the business tributary to this locality, probably none is as important as the live stock business, and the various industries connected therewith. The defendant association is entirely voluntary in form, and does not directly require any person engaging in the live stock commission business to become a member, but it will be observed that rule 16 prohibits any member from dealing with any person violating any of the rules or regulations of the Exchange, or an expelled or suspended member after notice of such suspension has been issued by the secretary or Board of Directors. In practice, as amply appears from the testimony of many witnesses, this rule shuts out all dealings and business intercourse between members and non-members of the association. It is shown beyond cavil that the entire membership of the association regards a commission merchant attempting to do business at the Kansas City Stock Yards without joining the Exchange as one violating this rule, and treat him accordingly. And this construction is a natural one, for a compliance with the rules of the Exchange requires a party to subscribe to its rules and by-laws, and to pay a membership fee, which is now $2500; to pay his assessments and observe all other requirements, including the fees and commissions fixed for handling live stock, and it may well be said that any dealer or broker does business in violation of these rules who does business at all and
434 fails to join the association. The testimony discloses several instances of parties attempting to enter the field and do business there without joining the Exchange, and in every instance, unless protected by the courts, they have been compelled to abandon the undertaking. All parties now engaged in the business are members of the Exchange except Greer, Mills & Company, who are making a fight in the courts to maintain their business, and are temporarily protected by injunction. It appears from the testimony that any

person or partnership attempting to carry on business independent of the association, is invited to apply for membership, and if he fails to do so, or if rejected, and attempts to proceed, his name is written on a blackboard kept for public use in the Exchange Building, and all members are warned against dealing with him. This admonition is strictly obeyed, and such person is boycotted. The outcome is inevitable; the combined opposition of three hundred men against one can produce but one result. Almost every purchaser or vendor of live stock including the great packing houses, does business through commission merchants, and nearly the entire volume of live stock received at the yards is consigned to and controlled by these merchants, members of the Exchange. In vain does the outside dealer offer attractive bargains for the sale or purchase of stock; they will have no intercourse with him. This state of affairs is known and circulated among stock growers and shippers, and they dare not ship their stock to this boycotted broker or firm. These facts are established and amplified by a multitude of witnesses. The object and purpose of the Exchange is written across its face, where all can read; it is to control and monopolize the entire business of buying and selling live stock at the Kansas City Stock Yards. It is clearly a combination to restrict, control and monopolize that class of trade and commence. The defendants declare that the rules regulations and prices for doing the business are all reasonable and fair and for the best interests of buyer and seller. Possibly that is so, although it is not apparent, looking at the interests of the stock grower or purchaser, why the number of solicitors of business should be limited to
435 three for each firm, or why there should be a restriction on telegraphic information as to the state of the market, or why he should be compelled to pay a commission of fifty cents a head on cattle when he paid twenty-five cents before the Exchange was organized, or why there should be discriminating charges on stock from different localities.

Counsel for defendants have, with commendable zeal and industry, submitted for our consideration, the rules of a great number of exchanges and boards of trade throughout the cities of the United States, dealing in corporate stocks, grains, live stock and various other things, and contend that they are essential, if not indispensable, to the commerce and business interests of the country, and that to grant the prayer of this bill, would be the death-blow of those institutions. Courts cannot shut their eyes to the results of their judicial conclusions, but how far such results should control those conclusions depends on several conditions not necessary to discuss

here; nor would it be proper to consider here what effect this act of Congress may have on these organizations, or any of them. I may be permitted to say, however, that the methods and aims of many of these Exchanges and Boards of Trade are not altogether beneficial to the business and commerce of the country; that they are beneficial to the members, and perhaps to the locality, may be admitted; it must also be admitted that a properly conducted agency or medium through which the vendor and vendee may readily sell and buy everything that enters into commerce or trade is demanded by the business interests of the whole country; but this agency should not be permitted to tamper with or in any way impede or restrain the natural flow of the stream of industry or commerce. The crying complaint of to-day, and the great menace to the welfare of the people is the tendency of wealth to monopolize and control by trusts and combinations, the products and industries of the country; and it must be confessed by every thoughtful observer that many of the so-called stock and produce
436 exhanges are among the most potent instruments for the accomplishment of these purposes by speculators and adventurers. Men who add nothing to the productive wealth of the country grow rich or poor by gambling on the wealth produced by others. Men are daily selling through these exchanges millions of bushels of corn, wheat and other produce, who neither have nor expect to have a bushel, and others are buying millions who never expect to receive a bushel. Both sides are tampering with the normal prices fixed by the law of supply and demand, and attempting by false and dishonest means and methods to serve their ends. The courts have uniformly condemned this class of business as illegal, and though it is under the ban of the law, it still flourishes. The remedy must be looked for in legislation, and not in the courts alone.

This act of Congress is aimed against all restrictions of interstate commerce, and we need not discuss the reasonableness of such restrictions. It is evidently the purpose of the law to permit commerce between the states to flow in its natural channels, unrestricted by any combinations, contracts or conspiracies, or monopolies whatsoever.

United States vs. Trans-Missouri Freight Assn. 166 U. S. 290.
United States vs. Knight Company, 156 U. S. 1.
Leisey v. Hardin, 135 U. S. 107.
Walling v. Michigan, 116 U. S. 454.
Robbins v. Taxing District, 120 U. S. 490.

But one material question remains in the case: Is the business in which the defendants are engaged, commerce between

the States? The circumstance that their place of business is located on both sides of the line between the states of Kansas and Missouri is, in my opinion, a fact of no material importance in the solution of this question—no more than would be the fact that the business of a farmer or manufacturer was so located, and that he passed from one state to the other for his convenience in the transaction of his usual business.

437 The method of business of the defendants is as follows: The shipment of live stock from growers, dealers and traders in Kansas, Colorado, Nebraska, [Missouri], Texas, Missouri, New Mexico, Arizona, Oklahoma and other states and territories, is solicited by the commission merchant in various ways, but largely by the personal solicitation of agents who travel about the country and interview the stock men. Frequently the commission man makes loans of money on the herds, secured by chattel mortgage. The consignment of the stock is made to the commission man or firm at the Kansas City Stock Yards, and there unloaded; frequently the shipperdraws on the consignee through his local bank with the bill of shipment attached, and when the stock is sold, the loan on the cattle, or the draft on the consignee, as the case may be, is paid out of the proceeds, and the balance remitted to the shipper. While the broker is soliciting consignments of stock for sale, he is also on the alert for purchasers; he sells the stock without regard to its destination; some is re-shipped to other markets in other states, notably to Chicago and St. Louis; much of it, especially hogs, is slaughtered at the large packing houses near by in Kansas and Missouri. Is this business so conducted, interstate commerce, or merely an incident or aid to such commerce? Commerce among the States has been defined as follows:

"Commerce with foreign countries, and among the states, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale and exchange of commodities."

Mobile v. Kimball, 102 U. S. 691.
Gloucester Ferry Co. v. Pennsylvania, 114 U. S. 196.

In re Green, 52 Fed. Rep, 113, Judge Jackson says: "In the application of this comprehensive definition, it is settled by the decisions of the Supreme Court that such commerce includes, not only the actual transportation of commodities and persons between the states, but also the instrumentalities and processes of such transportation; that it includes all the negotiations and contracts which have for their object, or involve as

an element thereof, such transmission or passage from one state to another."

438 In U. S. v. Knight Co., 156 U. S. 13, Mr. Chief Justice Fuller, speaking for the Court, says:

"The regulation of commerce applies to the subjects of commerce, and not to matters of internal police. Contracts to buy, sell or exchange goods to be transported among the several states, the transportation and its instrumentalities, and articles bought, sold or exchanged for the purpose of such transit among the states, or put in the way of such transit, may be regulated, but this is because they form part of interstate trade or commerce."

It has been repeatedly held by the Supreme Court that a person soliciting orders for goods or freights to be shipped from one state to another, and express agents transporting goods from state to state, are engaged in commerce between the states, and a local tax or license cannot be imposed for transacting such business.

Walling v. Michigan, 116 U. S. 446.
Pickard v. Pullman Car Co. 117 U. S. 34.
Robbins v. Taxing District, 120 U. S. 489.
Asher v. Texas, 128 U. S. 129.
McCall v. California, 136 U. S. 104.
Railroad Co. v. Pennsylvania, 136 U. S. 114.
Crutcher v. Kentucky, 141 U. S. 47.
Brennan v. Titusville, 153 U. S. 289.
Minnesota v. Barber, 136 U. S. 313.

It has also been held that telegraphy between the states is interstate commerce.

Leloup v. Port of Mobile, 127 U. S. 640.
Telegraph Co. v. Telegraph Co. 96 U. S. 1.
Telegraph Co. v. Texas, 105 U. S. 460.

The question of what constitutes commerce between the states, and thus protected by the constitution, and that which is merely an incident or aid to such commerce, and exempt from federal control, has been much considered by the federal courts, and sometimes the line of distinction is difficult of discernment. Having a watchful regard for the police
439 powers of the states, and the right of taxation, the federal courts have carefully discriminated in these cases so that the general government should take nothing to itself not fairly delegated by the constitution.

Nathan v. Louisiana, 8 How. 73.
Crutcher v. Kentucky, 141 U. S. 47.

Budd v. New York, 143 U. S. 517.
Kidd v. Pearson, 128 U. S. 1-20.
United States v. Knight Co. 156 U. S. 1.
Munn v. Illinois, 94 U. S. 113.
In re Green, 52 Fed. Rep. 113.
Henderson v. Mayor, 92 U. S. 259.
Covington Bridge Co. v. Kentucky, 154 U. S. 204.
Henderson Bridge Co. v. Kentucky, 166 U. S. 150.

Perhaps a fair test of the character of defendants' rules and by-laws would be presented by these questions: Could a state by legislation, impose on this traffic, the restrictions and regulations demanded by these rules and by-laws; could it limit the number of agents a merchant should have soliciting business in other states; could it restrain telegraphic communication between points in different states; could it make a discrimination in rates for handling stock shipped from different localities outside of the State? It is indisputable that all the live stock shipped to these defendants for sale from states other than Kansas and Missouri after it has entered the current of commerce between the States, continue and remain subjects of such commerce until the transportation is terminated and the property becomes a part of the general property of the state. It is also well settled that while this property is the subject of interstate commerce, no state, municipality or other power but Congress can impose taxes, restrictions
440 or regulations upon it, except so far as is proper in the exercise of police regulations for the protection of the health, morals and person of the citizen, and except for proper charges and regulations for the use of local instruments as aids or incidents to such commerce, such as docks, bridges, wharves, elevators, ferries, pilotage, etc., when Congress has not acted in the matter.

In the case of Bowman v. Chicago etc. Rld. Co. 125 U. S. at page 497, Mr. Justice Matthews lays down this principle in the following language:

"It is also an established principle, as already indicated, that the only way in which commerce between the states can be legitimately affected by state laws, is when, by virtue of its police power, and its jurisdiction over persons and property within its limits, a state provides for the security of the lives, limbs, health and comfort of persons, and the protection of property; or when it does those things which may otherwise incidentally affect commerce, such as the establishment and regulation of highways, canals, railroads, wharves, ferries and other commercial facilities; the passage of inspection laws to secure the due quality and measure of products and

commodities; the passage of laws to regulate or restrict the sale of articles deemed injurious to the health or morals of the community; the imposition of taxes upon persons residing within the state or belonging to its population, and upon avocations and employments pursued therein, not directly connected with foreign or interstate commerce, or with some other employment or business exercised under authority of the constitution and laws of the United States; and the imposition of taxes upon all property within the state mingled with and forming part of the great mass of property therein. But in making such internal regulations, a state cannot impose taxes upon persons passing through the state, or coming into it merely for a temporary purpose, especially if connected with interstate or foreign commerce; nor can it impose such taxes upon property imported into the state from abroad, or from another state, and not yet become a part of the common mass of property therein; and no discrimination can be made by any such regulations adversely to the persons or property of other states; and no regulations can be made directly affecting interstate commerce."

Bowman v. Chicago, etc., Rly. Co., 125 U. S. 465.
License Cases, 5 How. 504.
Passenger Cases, 7 How. 283.
Nathan v. Louisiana, 8 How. 73.
Freight Tax Case, 15 Wall. 232.
Leisey v. Hardin, 135 U. S. 100 (Original Package Case).
Henderson v. Mayor, 92 U. S. 259.
441 Bridge Co. v. Louisville Ry. Co., 37 Fed. Rep. 567.
Guy v. Baltimore, 100 U. S. 434.
Railway Company v. Becker, 32 Fed. Rep. 849.
Plumley v. Massachusetts, 155 U. S. 461.
Covington Bridge Co. v. Kentucky, 154 U. S. 204.
United States v. Pipe Co., 78 Fed. Rep. 712.
Packet Co. v. Keokuk, 95 U. S. 80 (Wharfage).
Welton v. Missouri, 91 U. S. 275.
Walling v. Michigan, 116 U. S. 446.
Coal Co. v. Bates, 156 U. S. 577.
In re Rahrer, 140 U. S. 545.
In re Minor, 69 Fed. Rep. 333.
Scott v. Donald, 165 U. S. 58.
Coal Co. v. Louisiana, 156 U. S. 590.
Hooper v. California, 155 U. S. 648.
Emert v. Missouri, 156 U. S. 296.

Counsel for defendants contend that their business is only an aid or incident to commerce, something in the nature of personal service, but it is not apparent that a combination for

services may not be a restraint or monopoly of commerce under the act of Congress.

United Stats v. Trans-Missouri Freight Assn., 166 U. S. 312.

But the business of defendants is more than personal services; it is not merely a local instrumentality in aid of commerce. Defendants are active promoters, and frequently interested parties in this immense traffic; they reach out over many states and territories by their solicitors and advertisements, and gather in for sale and slaughter, millions of cattle, sheep and hogs, and their rules and regulations cover the entire business, and extend over the whole field of operation.

442 Touching the question of what are aids or incidents to commerce, as well as police powers of the states, the following cases are in point:

Packet Co. v. St. Louis, 100 U. S. 423.
Vicksburg v. Tobin, 100 U. S. 430.
Packet Co. vs. Catlettsburg, 105 U. S. 559.
Transportation Co. v. Parkersburg, 107 U. S. 691.
Ferry Co. v. Pennsylvania, 114 U. S. 196.
Heise v. Glover, 119 U. S. 543.
Hall v. DeCuir, 93 U. S. 485.
Colley v. Board of Wardens, 12 How. 298.
Packet Co. v. Aiken, 121 U. S. 444.
Sands v. Manistee Imp. Co., 123 U. S. 288.
Navigation Co. v. U. S., 148 U. S. 312.
St. Louis v. Tel. Co., 148 U. S. 92.
Munn v. Illinois, 94 U. S. 113.
Budd v. New York, 143 U. S. 517.
Erie Ry. Co. v. Pennsylvania, 158 U. S. 431.
Henderson Bridge Co. v. Kentucky, 166 U. S. 150.

The defendants further contend that when this live stock reaches Kansas City, and is unloaded into the stock yards, it ceases to be the subject of interstate commerce. This proposition however, covers but one point in the controversy, for several of the rules and by-laws of defendants have more than a local operation, and extend beyond state lines.

Does this stock once upon the stream of commerce, cease to be such, when unloaded at Kansas City? Could the state of Kansas tax these cattle in the stock yards?

The defendants cite the case of Brown v. Huston, 114
443 U. S. 623, and Pittsburg Coal Co. v. Bates, 156 U. S. 577. In the former case, the coal which was subjected to taxation had reached its destination, i. e., the state of Louisiana, and was there offered for sale in great or small quantities to suit the purchaser. The Court says:

"It might continue in that condition for a year or two years, or for only a day * * * *

"We do not mean to say that if a tax collector should be stationed at every ferry and railroad depot in the city of New York, charged with the duty of collecting a tax on every wagon load or car load of produce or merchandise brought into the city, that it would not be a regulation of, and restraint upon, interstate commerce, so far as the tax should be imposed on articles brought from other states. We think it would be, and that it would be an encroachment upon the exclusive power of Congress."

Bearing upon this question, is the case of Brown v. Maryland, 12 Wheat. 419; also Leisey v. Hardin, 135 U. S. 108.

In this case, Mr. Chief Justice Fuller, speaking for the Court, says:

"That the point of time when the prohibition ceases, and the power of the state to tax commerce, is not the instant when the article enters the country, but when the importer has so acted upon it, that it has become incorporated and mixed up with the mass of property in the country, which happens when the original package is no longer such in his hands; that the distinction is obvious between a tax which intercepts the import as an import on its way to become incorporated with the general mass of property, and a tax which finds the article already incorporated with that mass by the act of the importer."

This live stock is shipped from different states for immediate sale, and if the market at Kansas City is not satisfactory, it is to be shipped to another market. I cannot believe it ceases to be the subject of interstate commerce when unloaded into the stock yards. Sections 4386 and 4387 of the Revised Statutes humanely prohibits any railroad company whose road form any part of a line over which animals are conveyed from one state to another, from confining them in cars over twenty-eight consecutive hours without unloading them for rest, water and food for at least five consecutive hours.

444 Under the act of Congress of May 29, 1884, establishing a Bureau of Animal Industry, and the act of March 3, 1891, for the inspection of live cattle, hogs, etc., the general government has established inspectors at the Kansas City stock yards, assuming that such stock comes within the purview of said acts of Congress. While realizing the importance of the issue involved in this case, and the responsibility of making application of the Anti-Trust Act to a new order of facts, I am impelled to the conclusion that, under the

facts and the law applicable thereto, the prayer of this bill should be granted.

CASSIUS G. FOSTER, Judge.

Indorsed: No. 7402. United States vs. Henry Hopkins et al. Opinion. Filed Sept. 20th, 1897. Geo. F. Sharitt, Clerk.

445 In the Circuit Court of the United States in and for the District of Kansas, First Division.

The United States of America, Complainant,
No. 7402. vs. In Equity.
Henry Hopkins, A. Isaacson, F. X. Jardon, J. T. Kiely, A. J. Knollin, W. L. Ladd, T. F. McDonald, J. W. Orlander, M. S. Peters, O. C. Peters, Gilman Reed, E. E. Richardson, W. A. Rogers, J. K. Southee, J. M. Sweeney, Henry Theis, E. E. Trowbridge, Harry Trower, O. B. Trower, S. R. Trower, Wm. Winder, R. H. Wise, L. M. Egan, Fred. Ehrke, W. F. Grant, W. S. Hannah, J. H. Clotfelter, T. E. Ladd and Woodson McCoy and others, Defendants.

This cause having heretofore been heard and submitted on the bill of complaint, affidavits, proofs, arguments and briefs of the respective counsel, on application for a temporary injunction pendente lite and the court being now fully advised in the premises, doth find that, on the bill, affidavits and proofs submitted, the application for a temporary restraining order and prohibition herein should be granted.

It is therefore ordered and decreed by the Court, until the final hearing and decree on the merits and until the further order and decree of the Court, that the defendants herein, and each and every one of them, their agents, servants and employes, be and they are hereby enjoined, either as associates in the Kansas City Live Stock Exchange or otherwise, from combining, by contract, agreement or understanding, express or implied, so as by their acts, conduct or words to interfere with, hinder or impede others in shipping, trading, selling or buying live stock that is received from the states and territories at what is known as the stock yards at Kansas City, Missouri, and Kansas City, Kansas, and shipped there from other states and territories for sale there or for further transportation or for sale in or shipment to foreign markets.

And it is further ordered and decreed that the said defendants either collectively as such Kansas City Live Stock Exchange or through its Board of Directors, or otherwise, and

each of them, their agents, servants or employes, be and
446 they are hereby enjoined from enforcing or recognizing or acting under the following rules of said Kansas City Live Stock Exchange, to wit, Rules 9 and 16, each and every section thereof, and any and all amendments thereto in respect to such live stock, and from imposing or attempting to impose any fines or penalties upon any of the members of said Kansas City Live Stock Exchange, for trading or offering to trade with any person or persons at said stock yards respecting the purchase and sale of any such live stock; or from discriminating in favor of any member of said Kansas City Live Stock Exchange, because of such membership; and especially from in any manner discriminating against any person trading at said stock yards in such live stock, and from refusing, by united or concerted action, or by word, persuasion, threat or other means, to deal or trade with persons with respect to such live stock who are not members of said association, because of such non-membership; or in any manner from interfering with the right and freedom of any and all persons trading and desiring to trade in such live stock at said stock yards and the same as if such Kansas City Live Stock Exchange did not exist.

And it is further ordered and decreed that the defendants, and each of them, their servants, agents and employes, be and they are hereby [joined] and prohibited from entering into any contract, agreement, combination or conspiracy fixing or tending to fix, directly or indirectly, the price to be charged as commission for buying or selling live stock, shipped from one state or territory for sale or disposition in another state or territory or in foreign countries, also from entering into any contract, agreement, combination or conspiracy limiting or attempting to limit the right of any person in business at said Kansas City stock yards to employ labor or assistance in soliciting shipments of live stock from other states or territories, or the right of any such person to send telegrams prepaid or not from said stock yards to any other state or territory.

And thereupon come all of the said defendants and join in praying an appeal from the foregoing order of temporary in-
junction to the United States Circuit Court of Appeals
447 for the Eighth Circuit and file their application accordingly, accompanied by their assignment of errors. Upon consideration of the premises, it is ordered that said appeal be and the same is hereby granted, returnable thirty days from this date; and it is further ordered that a good and sufficient supersedeas bond shall be filed herein, in the penal sum of ten thousand (10,000) dollars. Said bond was thereupon presented and approved. It is further ordered that the said ap-

peal shall have the effect to suspend, supersede and stay the force and effect of said order of temporary injunction, and any and all further proceedings herein, including the taking of testimony, until the final determination of this cause in the appellate courts. Thereupon comes the complainant and, in open court, waives the issuance, signing and service of a citation herein, and acknowledges to have received and to be charged with all the force and effect of the proper issuance, signing and service of a formal citation.

CASSIUS G. FOSTER, Judge.

Indorsed: No. 7402. Injunction Order. Filed Sept. 20, 1897. Geo. F. Sharitt, Clerk.

448 In the Circuit Court of the United States for the District of Kansas, First Division.

United States, Complainant and Appellee,
v. In Equity.
Henry Hopkins et al., members of the Kansas City Live Stock Exchange, Defendants and Appellants.

ASSIGNMENT OF ERRORS.

In company with the application for an appeal from the order of temporary injunction heretofore entered herein, the said defendants and appellants do hereby assign the following errors in the record and proceedings herein, and in the making of said order of temporary injunction:

1. The Court erred in granting a temporary injunction herein.

2. The Court erred in holding that the contract between the defendants, evidenced by the Articles of Association, Rules and Regulations of the Kansas City Live Stock Exchange, constituted a contract in restraint of trade or commerce within the meaning of the act of Congress of July 2, 1890.

3. The Court erred in holding that the association of the defendants under the name of Kansas City Live Stock Exchange constituted a combination in restraint of trade or commerce within the meaning of the act of Congress of July 2, 1890.

4. The Court erred in holding that the defendants had been or were guilty of a conspiracy in restraint of trade or commerce within the meaning of the act of Congress of July 2, 1890.

5. The Court erred in holding that the defendants, or the Exchange of which they were members, had monopolized or

attempted to monopolize, or had combined or conspired with any other person or persons to monopolize, any part of
449 the trade or commerce among different states, within the meaning of the Act of Congress of July 2, 1890.

6. The temporary injunction awarded by the Court operates as a denial of the rights of the defendants under the Fifth Amendment to the Federal Constitution, in that it deprives them of their property and also of their liberty without due process of law.

7. As construed by the said Court, the Act of Congress of July 2, 1890, is in violation of the Fifth Amendment to the Federal Constitution, in that it operates as a "legislative judgment" and deprives the defendants of their property and liberty without due process of law, and denies to the defendants, being persons engaged in a purely private occupation, the right to contract with each other as to the terms upon which they are willing to serve persons desiring to employ them, and as to the manner in which their occupation as commission merchants shall be carried on, and as to the persons with whom they shall have business dealings; and said order also undertakes to control the free choice of the defendants in respect of the compensation for which they are to labor, the number of solicitors they are to employ, the sending of prepaid telegrams, and the persons with whom they are content to have business dealings.

8. The Court erred in enjoining the defendants, "either as associates in the Kansas City Live Stock Exchange or otherwise, from combining, by contract, agreement, or undertaking, express or implied, so as by their acts, conduct, or words, to interfere with, hinder or impede others in shipping, trading, selling or buying live stock that is received from the states and territories at what is known as the stock yards at Kansas City, Missouri, and Kansas City, Kansas, and shipped there from other states and territories, for sale there or for further transportation or to foreign markets," for that, a, there is no evidence to warrant a finding of such a purpose on behalf of the defendants, the allegations of the bill on the subject being conclusively shown to be false by the uncontradicted evidence in the case; b, acts, conduct or words which, as an effect
450 or consequence, interfere with, hinder or impede other persons, in distinction to force, violence, threats, intimidation or other similar means maliciously resorted to for the purpose of thus interfering with, hindering, or impeding others, are not in violation of the statute; c, acts, words or conduct having the effect to interfere with, hinder, or impede persons who are competitors of the defendants in their

occupation of commission merchants at said stock yards, do not constitute either a contract, or a combination, or a conspiracy in restraint of trade or commerce; and, d, live stock received at said stock yards from another state for sale there, does not constitute an article of interstate commerce, nor is it such because a subsequent purchaser thereof may intend to or actually [—] further transport it, even to foreign markets.

9. The Court erred in enjoining the defendants from enforcing, or recognizing or acting under rule IX of the Kansas City Live Stock Exchange, said rule embodying in all respects a voluntary and lawful contract between parties sui juris engaged in a private occupation, which the parties are at full and complete liberty to keep and perform if they desire to do so.

10. The Court erred in enjoining the defendants from enforcing or recognizing or acting under rule XVI of the Kansas City Live Stock Exchange, for that said rule is a lawful agreement, and to deny the right to make, keep and perform the same is in violation of the rights of the defendants under the Fifth Amendment to the Constitution of the United States.

11. The Court erred in enjoining the defendants from imposing or attempting to impose any fines or penalties upon any of the members of said Kansas City Live Stock Exchange for trading or offering to trade with any person or persons at said stock yards respecting the purchase and sale of any such live stock, for that, a, it is the duty of such of the defendants as are officers and directors of said exchange, under the rules of said body fixing their respective duties, to enforce the
451 fines and penalties provided by said rules, against members found guilty of having violated the same, including the rule forbidding members to deal with expelled or suspended members or persons acting in violation of any of the rules of said exchange; b, no person can remain a member of said exchange and also violate the rules to which he has agreed; and c, the matter of the attitude of the defendants, or any of them, in respect of having business non-intercourse with another individual, cannot be redressed by an injunction nominally sued out by the United States, but, so far as a civil action is concerned, is one of mere private concern.

12. The Court erred in enjoining the defendants from discriminating in favor of any member of such exchange because of such membership, and from discriminating in any manner against any person trading at said stock yards, for that the defendants are entitled to full liberty in respect of the persons whom they will serve and with whom they will deal and of the reasons for their conclusions in the premises, and such liberty

cannot constitutionally be destroyed, either by legislative enactment or by injunction.

13. The Court erred in enjoining the defendants from refusing, by united or concerted action, or by word, persuasion, threat or other means, to deal or trade with persons with respect to such live stock who are not members of said Kansas City Live Stock Exchange, because of such non-membership, for that, a, the defendants have a right to organize and maintain an exchange, and to confine its privileges to members thereof; b, they also have the right, singly or in concert, to serve or to deal or not to deal with any other person or persons, as they may elect or agree, for any reason satisfactory to themselves, or without any reason whatever; c, there is no evidence of the use of any "threat" by the defendants, or either of them, in the premises; d, a refusal to deal, evidenced only by word, persuasion or other means not unlawful, cannot be enjoined; and, e, obedience by members of said exchange to the rules they have contracted to observe cannot be lawfully enjoined, nor can members of an exchange be permitted to break such contractual rules and, nevertheless, be permitted to enjoy all the benefits and privileges of membership in such exchange.

14. The Court erred in enjoining the defendants from
452 interfering with the right and freedom of any and all persons trading and desiring to trade in such live stock at said stock yards the same as if such Kansas City Live Stock Exchange did not exist, for that, there is no evidence that said defendants at any time undertook to regulate or control the conduct of any person whatsoever in respect of dealings at said yards, except only the own members of said exchange, and that as to these the defendants merely insisted that if and so long as such members desired the privileges of such membership, they must abide by and observe the rules which constituted the contract between the parties.

15. The Court erred in enjoining the defendants from agreeing among themselves upon the prices to be charged by the members of said exchange as commissions for their services in acting as agents for others in buying or selling live stock shipped from one state or territory for sale or disposition in another state or territory, for that the right of persons engaged in a merely private occupation to agree upon a schedule of wages or commissions to be charged for their services and under which alone they are willing to serve, is not only not forbidden by statute, but could not constitutionally be taken away or impaired, nor can such parties, by force of an injunction or otherwise, be subjected to a condition of involuntary servitude by being compelled to serve for less than the commissions fixed by them, singly or by agreement among themselves.

16. The Court erred in enjoining the defendants from agreeing among themselves in respect of the employment of labor or assistance in soliciting shipments of live stock from other states or territories, and in reference to the sending of prepaid telegrams from the Kansas City stock yards to any other State or territory, these being matters of purely private concern, in respect of which the defendants are subject to no control at the hands either of Congress, or of a court, or of any person or tribunal whatever, and for that an agreement on said subjects, or either of them, is in nowise forbidden by the act of Congress of July 2, 1890, and such agreement could not
153 constitutionally be forbidden or annulled.

17. For centuries past, exchanges, such as that to which the defendants belong, have existed in every trade-center in the civilized world. They have been universally recognized and adjudged to constitute the most valuable aids to and promoters of trade or commerce which the ingenuity of mankind has been able to devise. They have always had the sanction and approval of state legislatures, as well as of Congress and of the executive departments of the Federal Government. Without them, trade and commerce could not be successfully carried on; endless confusion would result; wrongful practices would go unpunished; rebates and discriminations would be granted to the favored at the expense of the general public; and all the evils which have been remedied by the [conservating] influences of exchanges, boards of trade, clearing houses, and similar organizations would become prevalent, all to the injury of legitimate commerce. The Court erred in holding that it was the purpose of Congress, by the act of July 2, 1890, to strike down such organizations, to render valueless the many millions invested in certificates of membership therein, and to transform their members into conspiring criminals.

18. The Court erred in holding that the defendants were engaged in interstate commerce.

19. The Court erred in holding that the defendants, in anywise, restrained or monopolized, or were attempting to restrain or monopolize, interstate commerce or any part thereof.

20. The Court erred in not holding that the defending exchange was a mere aid to commerce, supplying facilities for its proper and convenient conduct, whose rules and operations, in so far as they affected such commerce at all, only did so indirectly and incidentally.

21. The Court erred in not holding that the effect of the rules and operations of the defending exchange upon commerce, instead of being injurious, was highly beneficial and deserving of sanction and commendation.

22. The Court erred in granting a temporary injunction under the circumstances of this case. The material
454 allegations of the bill of complaint stood denied by answer, to which no replication had been filed. If conflict there was in reference to any of the material facts, that conflict should not be determined on affidavits, especially as the defendants had no knowledge of the existence of the complainant's affidavits in rebuttal until the same were read at the hearing and without an opportunity to disprove them or to cross-examine the affiants. The case should have been ordered to stand for final hearing without an interlocutory order of injunction, particularly as no bond has been given by the complainant to reimburse the damages which might be inflicted on the defendants, and as such interlocutory order practically operates as a final disposition of the case.

23. The Court erred in not dismissing the bill as having been instigated and filed and as being prosecuted solely in a private interest and for the gratification of private malice and revenge, and the venting of private anger.

24. The Court erred in holding that the refusal of the defendants, or any of them, to deal with the firm of Greer, Mills & Company, or any other person, was a matter which could be litigated in an equitable proceeding brought in the name of the public.

25. There is no evidence to justify a conclusion that the public interests have been in anywise injured by any rule or act of the defendants, or that the United States are in anywise concerned in the rules and operations of the defending exchange, or in the matters mentioned in the order of temporary injunction.

Wherefore, the said defendants pray that the order of temporary injunction herein may be reversed and that the bill of complaint may be dismissed.

C. F. HUTCHINGS,
L. C. KRAUTHOFF,
Solicitors for Defendants and Appellants.

Indorsed: No. 7402. United States vs. Henry Hopkins et al. Assignment of errors. Filed Sept. 28, 1897. Geo. F. Sharitt, Clerk.

455 In the Circuit Court of the United States for the District of Kansas. First Division.

United States, Complainant,
vs. In Equity.
Henry Hopkins et al., members of the Kansas City Live Stock Exchange, Defendants.

The defendants in the above entitled cause, all of whom join in this application, conceiving themselves to be aggrieved by the order awarding a temporary injunction herein, do hereby appeal from said order to the United States Circuit Court of Appeals for the Eighth Circuit, and pray that their said appeal may be allowed and that the force and effect of said order may stand stayed, suspended and superseded until the final determination of this cause in the Appellate Courts, and that a transcript of the record and proceedings herein may be sent to said United States Circuit Court of Appeals. The said appellants present and file herewith their assignment of errors. present and file herewith their assignment of errors.

C. F. HUTCHINGS,
L. C. KRAUTHOFF,
Solicitors for the Defendants.

Indorsed: No. 7402. United States vs. Henry Hopkins et al. Application for appeal by defendants. Filed Sept. 28, 1897. Geo. F. Sharitt, Clerk.

456 In the Circuit Court of the United States for the District of Kansas. First Division.

United States, Complainant,
v. In Equity.
Henry Hopkins et al., members of the Kansas City Live Stock Exchange, Defendants and Appellants.

Know all men by these presents, that we, John C. McCoy, George R. Barse, W. S. Hannah, M. D. Scruggs, James Keeney, R. P. Woodbury, J. T. Kieley, Frank Seigel, Chester A. Snider, A. E. Beggs, L. A. Lennon, John N. Payne, H. A. Moore, and H. W. Thompson are held and firmly bound unto the United States of America in the sum of ten thousand ($10,000.00) dollars, for the payment whereof well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Dated and sealed with our seals this twenty-eighth day of September, A. D. 1897.

Whereas, in a certain cause pending in the Circuit Court of the United States for the District of Kansas, First Division,

wherein the United States of America are the complainant, and Henry Hopkins et al., are defendants, an order of temporary injunction has been awarded against the said defendants, from which the said defendants have prosecuted an appeal to the United States Circuit Court of Appeals within and for the Eighth Circuit. Now, therefore, the condition of this obligation is such that if the said defendants shall prosecute said appeal with effect, and answer all damages and costs if they shall fail to make said appeal good, then this obligation shall
457 be void; otherwise the same shall be and remain in full force and virtue.

Charles A. Snider,	W. S. Hannah,
A. E. Beggs,	M. D. Scruggs,
L. A. Lennon,	Jas. Keeney,
John N. Payne,	Rufus P. Woodbury,
H. W. Thompson,	J. T. Kieley,
John C. McCoy,	Frank Seigel,
George R. Barse,	H. A. Moore.

The foregoing bond is hereby approved, and it is ordered that the appeal which has been taken and allowed herein shall operate as a supersedeas, stay, and suspension of the force and effect of said order of temporary injunction until the final disposition of said cause in the appellate courts.

CASSIUS G. FOSTER,
Judge awarding said order of temporary injunction.

Indorsed: No. 7402. United States vs. Henry Hopkins et al. Bond for appeal. Filed Sept. 28, 1897. Geo. F. Sharitt, Clerk.

458 United States of America,
District of Kansas—ss.

I, Geo. F. Sharitt, clerk of the Circuit Court of the United States of America, for the District of Kansas, do hereby certify the foregoing to be a true, full and complete transcript of the record and proceedings had in said court in the case of The United States of America, plaintiff against Henry Hopkins and others, defendants, No. 7402 in said court.

Seal of the Circuit Court of the United States District of Kansas. First Division.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at my office in Topeka, in said District of Kansas, this 30th day of September A. D. 1897.

GEO. F. SHARITT, Clerk.

Filed Oct. 5, 1897. John D. Jordan, Clerk.

287 (*Appearance of Counsel for Appellants.*)

And on the tenth day of November, A. D. 1897, an appearance of counsel for appellants was filed in the clerk's office of said circuit court of appeals in said cause in the words and figures following:

United States Circuit Court of Appeals, Eighth Circuit.

HENRY HOPKINS *et al.*, Appellants,
vs.
UNITED STATES OF AMERICA.

The clerk will enter my appearance as counsel for the appellants.

L. C. KRAUTHOFF.

Endorsed: U. S. circuit court of appeals, eighth circuit, December term, 1897. No. 1002. Henry Hopkins *et al.*, appellants, *vs.* United States of America. Appearance. Filed Nov. 10, 1897. John D. Jordan, clerk. L. C. Krauthoff, counsel for appellants.

(*Order to Certify Questions.*)

And on the eighth day of December, A. D. 1897, in the record of the proceedings of said circuit court of appeals is an order to certify questions to the Supreme Court of the United States in said cause in the words and figures following:

United States Circuit Court of Appeals, Eighth Circuit, December Term, 1897.

WEDNESDAY, *December* 8, 1897.

HENRY HOPKINS *et al.*, Appellants,
vs.
THE UNITED STATES OF AMERICA, Appellee. } No. 1002.

Appeal from the circuit court of the United States for the district of Kansas.

In this cause it is now here ordered that certain questions arising upon the record be, and they are hereby, ordered to be certified to the Supreme Court of the United States under the provisions
288 of section six of the act of Congress of March 3, 1891, for the instruction of the said Supreme Court upon said questions.

Certificate to Transcript.

United States Circuit Court of Appeals, Eighth Circuit.

I, John D. Jordan, clerk of the United States circuit court of appeals for the eighth circuit, do hereby certify that the foregoing pages contain a full, true, and complete transcript of all the plead-

ings, proceedings, and record entries, except the portions of the transcript of the record from the circuit court omitted from the printed record by stipulation of parties and the certificate of questions to the Supreme Court of the United States, which has heretofore been certified to that court, in the case of Henry Hopkins *et al.*, appellants, *vs.* The United States of America, No. 1002, December term, A. D. 1897, as full, true, and complete as the originals of the same now remain on file and of record in my office.

Seal United States Circuit Court of Appeals, Eighth Circuit.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States circuit court of appeals, at the city of St. Louis, Missouri, this seventh day of January, A. D. 1898.

JOHN D. JORDAN,
Clerk U. S. Circuit Court of Appeals, Eighth Circuit.

289 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the honorable the judges of the United States circuit court of appeals for the eighth circuit, Greeting:

[Seal of the Supreme Court of the United States.]

Being informed that there is now pending before you a suit in which Henry Hopkins *et al.* are appellants and The United States is appellee, which suit was removed into the said circuit court of appeals by virtue of an appeal from the circuit court of the United States for the district of Kansas, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said circuit court of appeals and re-
290 moved into the Supreme Court of the United States, do hereby command you that you send without delay to the said Supreme Court as aforesaid the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the 22d day of December, in the year of our Lord one thousand eight hundred and ninety-seven.

JAMES H. McKENNEY,
Clerk of the Supreme Court of the United States.

Return to Writ.

United States Circuit Court of Appeals, Eighth Circuit.

In obedience to the command of the within writ I herewith transmit to the Supreme Court of the United States a duly certified transcript of the record and proceedings in the within-entitled case, with all things concerning the same.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States circuit court of appeals for the eighth circuit, at office, in the city of St. Louis, Missouri, this eighth day of January, A. D. 1898.

al United States Circuit Court of Appeals, Eighth Circuit.

JOHN D. JORDAN,
Clerk of the United States Circuit Court of Appeals for the Eighth Circuit.

[Endorsed:] Supreme Court of the United States. No. 533. October term, 1897. Henry Hopkins *et al. vs.* The United States. Writ of certiorari. Filed Dec. 27, 1897. John D. Jordan, Clerk.

Endorsed on cover: Case No. 16,746. Supreme Court U. S, October term, 1897. Term No., 533. Henry Hopkins *et al.*, appellants, vs. The United States. Writ of certiorari and return. Filed January 11, 1898.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 533.

HENRY HOPKINS ET AL., APPELLANTS,

vs.

THE UNITED STATES.

CERTIFICATE.

In the United States Circuit Court of Appeals, Eighth Circuit, December Term, 1897.

HENRY HOPKINS *et al.*, Appellants,
v.
THE UNITED STATES OF AMERICA, Appellee. } No. 1002.

The United States circuit court of appeals for the eighth circuit, sitting in the city of St. Louis, Missouri, on the eighth day of December, 1897, certifies that from the record on file in the above-mentioned cause, which cause is now pending and undetermined in said court upon an appeal, duly taken by the defendants below, from an interlocutory order of injunction made and entered in said cause by the circuit court of the United States for the district of Kansas, the following facts appear:

1. In and by the verified bill of complaint filed herein on the 31st day of December, 1896, it was alleged that *each of* the defendants, about 300 in number, are members of a voluntary, unincorporated association known and designated as the "Kansas City Live Stock Exchange," and have adopted articles of association and rules and by-laws, whereby they have agreed that they will faithfully observe and be bound by the same; that the government of said association is vested in a board of 11 directors and its officers, consisting of a president, vice-president, secretary, and treasurer; its place of business is in a building situated on the line between

the States of Missouri and Kansas, and that defendants transact business partly in one State and partly in the other; that substantially all of the business transacted in the matter of receiving, buying, selling, and handling live stock at the Kansas City stock yards is carried on by defendants and other members of said exchange as commission merchants; that a large proportion of such live stock is shipped from the States of Kansas, Nebraska, Colorado, Texas, Missouri, Iowa, and Arkansas, and the Territories of Oklahoma, Arizona, and New Mexico, and is sold by the defendants to the various packing-houses in Kansas City, Mo., and Kan., and also for shipment to other markets; that a vast number of live stock is thus annually received and sold; that said Kansas City market is a public market and supplies a large number of packing-houses in Kansas City, Kan., and Kansas City, Mo., and other cities in different States of the Union; that the Kansas City market, next to Chicago, is the largest live-stock market in the world; that, under the practice and custom at said yards, the live stock there received is delivered to commission merchants, who receive, handle, sell, or reship the same for the consignors and owners thereof to other States and Territories, charging a commission for their services; that in the course of business at said yards said stock is moved and shifted from one State to the other, according to the convenience of said Kansas City Stock Yards Company; that a large portion of said stock is incumbered by mortgages executed by the owners thereof to the defendants, members of said exchange, who advance large sums of money to growers and owners of cattle to provide the means to feed and prepare them for the market; that when such cattle are ready for shipment they are consigned to the defendants and other members of said exchange who have made such advancements, and the amount thereof and interest is deducted from the proceeds of sale; that 90 per cent. of the members of said exchange make such advancements; that said stock yards accord to owners and shippers of live stock the only available means at that place for handling, selling, and reshipping live stock; that by reason of its situation said Kansas City stock yards are the only available public market for the purchase and sale of live stock for an exceedingly large territory of the United States, and the only available means for the exchange of interstate traffic between the States and Territories named, the stock being sold in said yards to be shipped to other States of the Union; that it is the custom among a large number of cattle growers and shippers who consign live stock to the Kansas City stock yards to draw drafts on the commission merchants to whom such stock is consigned, and attaching the bill of lading issued by the carrier therefor to draw money on said drafts from local banks, and when presented to the consignees said drafts are paid by them in Kansas and Missouri and the proceeds remitted to the banks in the various towns and cities where the live stock was shipped; that by reason of the fact that said yards are in the States of Missouri and Kansas and the live stock handled and sold therein is at times in Kansas and at others in Missouri, and are transported from different States to be sold

and shipped to other States, said business is interstate in character and can only be controlled by Federal legislation, as a part of commerce between the States. The bill further charges that if the person or partnership to whom live stock is consigned at Kansas City is not a member of said exchange he is not permitted to sell or dispose of such live stock on the Kansas City market, for the reason that the defendants and all other commission merchants doing and controlling the business at said yards are required by the rules of said exchange to refuse to buy live stock or in any manner deal with a person who is not a member of said exchange, and in all such cases the owner of the live stock is compelled to reship the same to some other market, and by reason of said unlawful combination is prevented from delivering said live stock to the Kansas City stock yards, and the sale of the same is thereby hindered and delayed, extra expense and loss entailed to the shipper, and an obstruction placed upon the marketing of such live stock; that among other rules for the government of said exchange are the following:

"RULE IX.—*Commissions.*

"SECTION 1. The commissions charged by members of this association for selling live stock shall not be less than the following-named rates:

"SEC. 2. Six dollars per car-load for single-deck car-loads of hogs or sheep, and ten dollars per car-load for double-deck car-loads of the same: Provided, members of this exchange may, after charging commissions as above provided, pay a regular sheep salesman on these yards a sum of money contingent on number of sheep sold. Said sheep salesman may be in the employ of other members of the exchange.

"SEC. 3. Fifty cents per head for cattle of all ages. In car-loads of twenty-four or more, not more than twelve dollars per car-load; ten dollars per single-deck car-loads, and eighteen dollars per double-deck car-load of veal calves.

"SEC. 4. Fifty cents per head for cattle, and twenty-five cents per head for calves, and ten cents per head for hogs and sheep in mixed car-loads, but not to exceed twelve dollars per car-load. Fifty cents per head for cattle and twenty-five cents per head for calves driven into the yards; and ten cents per head for hogs and sheep for sixty head or less. More than that number shall be charged for at car-load rates.

"SEC. 5. Fifty cents per head for buying cattle for stockers or feeders: Provided, such charges shall not exceed twelve dollars per car-load. Six dollars per single-deck car-load for buying sheep, and ten dollars per double-deck car-load. All purchases paid for by a commission-house or shipping clearance made by same shall be deemed a purchase, and charged for as above provided.

"SEC. 6. Not less than four dollars per single-deck and five dollars per double-deck car-load for buying live hogs, and not less than three cents per head for hogs bought by the head.

"SEC. 7. No member or commission firm or corporation repre-

sented herein shall do business for a yard trader or speculator on this market for less charges than one-half the regular commission.

"SEC. 8. No firm shall handle the business of a non-resident commission-house for less than full commissions, except said consignments be made direct to said non-resident commission-house from one of the following-named markets: Chicago, Ill; East St. Louis, Ill.; St. Louis, Mo.; Omaha, Nebraska; Wichita, Kans.; Denver, Col.; Pueblo, Col.; St. Joseph, Mo.; Sioux City, Ia.; Peoria, Ill.; Milwaukee, Wis.; and Ft. Worth, Tex.

"SEC. 9. No member of this exchange or firm or corporation represented herein shall cause or allow to be shipped in his or its name any kind of live stock for the purpose of violating any of the provisions of this rule.

"SEC. 10. No agent, solicitor, or employé shall be hired except upon a stipulated salary, not contingent upon commissions earned (save as provided in section 2 of this rule). No solicitor shall be employed except as a *bona fide* traveling agent, who shall not solicit consignments local to his own neighborhood only, nor to secure his individual trade. Nor shall any agent, solicitor, or employé be hired who is employed by any other party or parties, or who is actively engaged in other business (save as provided in section 2 of this rule). Members of this exchange must file with the secretary, within five days of employment, the names and addresses of their solicitors. More than three solicitors shall not be employed at one time by a commission firm or corporation. Members of a commission firm or corporation—resident or non-resident of Kansas City—may travel as solicitors, but must be registered as one of the three allowed each firm or corporation. It shall be a violation of this rule for any solicitor representing or claiming to represent a commission firm or corporation in any other market to solicit for any Kansas City firm; and members shall be held accountable for the acts of any solicitor who, under the guise of soliciting for a branch house, solicits for a Kansas City firm or corporation.

"SEC. 11. Any member of this association or firm or corporation represented herein, sending or causing to be sent a prepaid telegram or telephone message quoting the markets, giving information as to the condition of the same, shall be fined not less than $100 nor more than $500. If said fine be not paid within three days, said firm or member shall be suspended until said fine is paid: Provided, however, that prepaid messages may be sent to shippers quoting actual sales of their stock on the day made; also, to parties desiring to make purchases on this market.

"SEC. 12. Any member of this exchange or firm or corporation in which he may be a partner, violating any of the provisions of this rule, shall be fined not less than $500, nor more than $1,000, for the first offense. If said fine be not paid within three days, said member or firm may be suspended from membership until same is paid. For a second offense, said member or firm may be expelled from membership in the exchange.

"SEC. 13. From such fines and special assessments, the exchange shall pay a reward of $500 to any party or parties furnishing suffi-

cient evidence to convict any member of a violation of any of the provisions of this rule, and said reward shall be paid immediately after conviction.

"SEC. 14. For the purpose of making effective section 12 of this rule, when the treasurer shall not have on hand from fines collected the sum of $500, the directors shall levy a special assessment, *pro rata*, on each commission firm or corporation buying or selling live stock in this market who is a member of the exchange; and they shall continue to levy such special assessments in such amounts as will keep a fund of $500 constantly on hand for this purpose. Said fund shall be kept as a special fund, and shall be used for no other purpose.

"SEC. 15. Each firm or corporation represented in this exchange shall be held responsible for any violation of this rule by any party doing any portion of a commission business in its name, and any penalty imposed for violation of the foregoing shall be on account of such party. If not paid within three days, the firm or corporation doing said business shall sever its business connections with such party within ten days. No firm or corporation shall thereafter do any business for such party until said fine is paid."

"RULE XVI.—*Limitations.*

"SECTION 1. No member of the Kansas City Live Stock Exchange shall transact any business with any person violating any of the rules or regulations of this exchange, or an expelled or suspended member, after notice of such violation, suspension, or expulsion has been issued by the secretary or board of directors of the exchange."

The bill further charges that the defendants, by the adoption of said articles of association, have confederated and conspired together in violation of the laws of the United States, and particularly of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and to monopolize the business of buying and selling live stock at the Kansas City market, and to illegally fix and establish a minimum price for buying and selling the same, and have further, in restraint of trade and commerce between the States, confederated together to prevent and restrain the free transmission of information regarding the state of the market by telegraphic messages, and have restricted the free employment of agents and solicitors in the prosecution of business at said stock yards; that the purpose of defendants in organizing said exchange is to prevent the shipment of any live stock to the Kansas City market, unless shipped to the Kansas City stock yards and to defendants or other members of said exchange; and the further purpose was to compel shippers to pay to defendants and their associates the commissions provided for in rule 9, and to prevent the shipment and sale of property on said market unless such commissions were so paid. The bill further charges that it was also the purpose of said defendants and their associates to monopolize the business of receiving, handling, and

selling live stock received at said market, and also to prevent its sale by any person not a member of said exchange, and to obstruct and retard the owners of such live stock in the sale of the same on the market at Kansas City. Thereupon the complainant prays for a decree dissolving said exchange and for an injunction against said defendants restraining them from enforcing or acting pursuant to the rules and by-laws of said association. An answer under oath was expressly waived.

2. In and by the answer of the defendants filed on the 27th day of February, 1897, it was alleged that they admit the organization of said defendants into an association known as the "Kansas City Live Stock Exchange," and aver that similar associations, under the names of "boards of trade" or "exchanges," exist in practically every city of importance in the United States devoted to the buying and selling of stocks, bonds, grain, live stock, petroleum, and all other products, with similar rules for government and transaction of business, in order that competition between the members may be fair and reasonable; that said methods are sanctioned by the experience of the commercial world and tend to develop trade and commerce and not to restrict the same. The preamble of their organization is as follows:

"We, the undersigned, for the purpose of organizing and maintaining a business exchange, not for pecuniary profit or gain, nor for the transaction of business, but to promote and protect all interests connected with the buying and selling of live stock at the Kansas City stock yards, and to promulgate and enforce amongst the members correct and high moral principles in the transaction of business, have associated ourselves together, under the name of 'Kansas City Live Stock Exchange,' and hereby agree each with the other that we will faithfully observe and be bound by the following rules and by-laws, and such new rules, additions, or amendments as may from time to time be adopted in conformity with the provisions thereof, from the date of organization, by the election of a board of directors and other officers, as prescribed by rule 1."

The defendants deny that through their membership substantially all of the business of buying and selling live stock at Kansas City is carried on. On the contrary, any person desiring to sell live stock at said city is under no obligation to employ a commission merchant, but is at full liberty to act for himself, and the stock yards company extends to such person all the privileges and facilities afforded by it; and persons desiring to purchase live stock at the yards may, and they constantly do, purchase direct from the owners, and very much the largest part of the cattle purchased for feeding is bought without the employment of any commission merchant. The only restriction upon members of the exchange is that contained in rule 16, viz., that they will not deal with a person as a commission merchant who violates the rules of the exchange or who is a suspended or expelled member thereof. It is further averred that the Kansas City market is not a public market, but is of a private character merely. Defendants further aver that, with the exception of the firm of Greer, Milis & Co., which

was first suspended from membership in the exchange for non-payment of a fine imposed for a violation of the rules thereof, and which subsequently voluntarily withdrew from said exchange, all of the commission merchants at said yards are members of the exchange. Defendants further aver that whenever drafts are drawn on a commission merchant they are paid either at the place where payable by the terms thereof or on presentation to the drawee, and that such place of payment is either in the State of Kansas or Missouri, according as the particular transaction is closed. Defendants are informed by counsel and believe that the exercising of their occupation is not commerce between the States within the meaning of the Constitution or laws of the United States; that it is not true that a consignor of live stock is not permitted or cannot sell the same at said yards, or that the members of said exchange refuse to deal with a non-member thereof. It is not true that any person shipping live stock to said yards and refusing to employ a member of said exchange is compelled to reship the same to some other market. Defendants deny that there is any unlawful combination among them, or that any person is prevented from delivering stock to the Kansas City stock yards, or that the sale thereof is hindered or delayed or expense or loss to the shipper entailed or any obstruction or embargo placed upon the marketing of any live stock. Defendants deny that any of the rules of said association are in restraint of commerce between the States or otherwise. Defendants deny that they have confederated together, in violation of the laws of the United States, to monopolize the business of buying and selling live stock at said yards, or to illegally fix a minimum price for buying and selling such live stock, or to restrain the free transmission of information respecting the state of the Kansas City market by telegraphic messages, or restrict the free employment of agents or solicitors in said business; that experience has shown that to the success of such an organization it is absolutely essential that there should be a uniform schedule of commissions, and that all members should observe the same, and that by permitting evasions or violations of such schedule a condition is created by which irresponsible persons might and would bring about a state of unhealthy cutting of prices—a practice unfair to shippers and purchasers and ruinous to responsible persons, who carry on the occupation of commission merchants fairly. They have no desire to prevent any person from acting as a commission merchant at Kansas City, but they admit that it is not to the interest of the public or shippers to employ non-members, and that individually and collectively the provisions of their articles of association are invoked for the purpose of preventing the success of any competitor, either in his efforts to destroy said exchange or to succeed in driving the competitors of such parties from the field. The defendants' answer was duly verified, they claiming the benefit of such verification under the 41st equity rule as amended.

3. A general replication was filed.

4. The application for an interlocutory injunction came on for hearing upon the foregoing pleadings and upon a series of affidavits

filed by the respective parties, from which affidavits the following matters were made to appear, in addition to those conceded to be true by the pleadings, to wit:

The defendant association is located at Kansas City, on the line between Kansas and Missouri, in the immediate vicinity of the Kansas City stock yards and in close association therewith, being tenants of said stock yards company. Said yards, with perhaps the exception of the yards at Chicago, are the largest in the country and handle great numbers of live stock. These yards, the packing-houses, and this exchange are all situated at the gateway through which flows a great stream of commerce from the several States and Territories, and among all the business tributary to this locality probably none is as important as the live-stock business and the various industries connected therewith. The defendant association is entirely voluntary in form and does not directly require any persons engaging in the live-stock commission business to become a member; but rule 16, set out in the bill of complaint, prohibits any member from dealing with any person violating any of the rules or regulations of the exchange or an expelled or suspended member, after notice of such suspension has been issued by the secretary or board of managers. In practice, this rule shuts out all dealings and business intercourse between members and non-members of the association. The entire membership of the association regards a commission merchant attempting to do business at the Kansas City stock yards without joining the exchange as one violating this rule, and treat him accordingly; and this construction is a natural one, for a compliance with the rules of the exchange requires a party to subscribe to its rules and by-laws and to pay a membership fee (which is now $2,500), to pay his assessments, and observe all other requirements, including the fees and commissions fixed for handling live stock in accordance with said rules, and it may well be said that any dealer or broker does business in violation of these rules who does business at all and fails to join the association. Several parties attempted to enter the field and do business there without joining the exchange, and in every instance, unless protected by the courts, they have been compelled to abandon the undertaking. All parties now engaged in the business are members of the exchange, except Greer, Mills & Co., who are making a fight in the courts to maintain their business and are temporarily protected by injunction. Any person or partnership attempting to carry on business independent of the association is invited to apply for membership, and if he fails to do so, or if rejected and attempts to proceed, his name is written on a blackboard kept for public use in the exchange building, and all members are warned against dealing with him. This admonition is strictly obeyed. The outcome is inevitable. The combined opposition of three hundred men against one can produce but one result. Almost every purchaser or vendor of live stock, including the great packing houses, does business through commission merchants, and nearly the entire volume of live stock received at the yards is consigned to and controlled by these merchants, members

of the exchange. In vain does the outside dealer offer attractive bargains for the sale or purchase of stock. They will have no intercourse with him. This state of affairs is known and circulated among stock growers and shippers, and they dare not ship their stock to this broker or firm. The object and purpose of the exchange is written across its face, where all can read. It is to acquire and keep the exclusive control of the entire business of buying and selling live stock on commission at the Kansas City stock yards within its own members. Prior to the organization of the exchange the published rate of commission was fifty cents per head, but it was the common practice of shippers of stock to make contracts with the commissionmen whereby the rate of commission actually paid was one-half that sum.

The method of business of the defendants is as follows: The shipment of live stock from growers, dealers, and traders in Kansas, Colorado, Nebraska, Missouri, Texas, New Mexico, Arizona, Oklahoma, and other States and Territories is solicited by the commission merchant in various ways, but largely by the personal solicitation of agents who travel about the country and interview the stockmen. Frequently the commission man makes loans of money on the herds, secured by chattel mortgage. The consignment of the stock is made to the commission man or firm at the Kansas City stock yards and there unloaded. Frequently the shipper draws on the consignee through his local bank with the bill of shipment attached, and when the stock is sold the loan on the cattle or the draft on the consignee, as the case may be, is paid out of the proceeds and the balance remitted to the shipper. While the broker is soliciting consignments of stock for sale, he is also on the alert for purchasers. He sells the stock without regard to its destination. Some is reshipped to other markets in other States, notably to Chicago and St. Louis. Much of it, especially hogs, is slaughtered at the large packing-houses near by, in Kansas and Missouri.

The defendants are active promoters and frequently interested parties in this immense traffic. They reach out over many States and Territories by their solicitors and advertisements and gather in, for sale and slaughter, millions of cattle, sheep, and hogs, and their rules and regulations cover the entire business and extend over the whole field of operation.

This live stock is shipped from various States for immediate sale, and if the market at Kansas City is not satisfactory, it is to be shipped to another market.

5. Subsequently the circuit court entered an order of interlocutory injunction, appealed from, as aforesaid, to the following purport:

"This cause having heretofore been heard and submitted on the bill of complaint, affidavits, proofs, arguments, and briefs of the respective counsel on application for a temporary injunction *pendente lite*, and the court, being now fully advised in the premises, doth find that on the bill, affidavits, and proofs submitted the application for a temporary restraining order and prohibition herein should be granted.

It is therefore ordered and decreed by the court until the final

hearing and decree on the merits, and until the further order and decree of the court, that the defendants herein, and each and every one of them, their agents, servants, and employés, be, and they are hereby, enjoined, either as associates in the Kansas City Live Stock Exchange or otherwise, from combining by contract, agreement, or understanding, express or implied, so as by their acts, conduct, or words to interfere with, hinder, or impede others in shipping, trading, selling, or buying live stock that is received from the States and Territories at what is known as the stock yards at Kansas City, Missouri, and Kansas City, Kansas, and shipped there from other States and Territories for sale there or for further transportation or for sale in or shipment to foreign markets.

And it is further ordered and decreed that the said defendants, either collectively as such Kansas City Live Stock Exchange or through its board of directors or otherwise, and each of them, their agents, servants, or employés, be, and they are hereby, enjoined from enforcing or recognizing or acting under the following rules of said Kansas City Live Stock Exchange, to wit, rules 9 and 16, each and every section thereof, and any and all amendments thereto in respect to such live stock, and from imposing or attempting to impose any fines or penalties upon any of the members of said Kansas City Live Stock Exchange for trading or offering to trade with any person or persons at said stock yards respecting the purchase and sale of any such live stock, or from discriminating in favor of any member of said Kansas City Live Stock Exchange because of such membership, and especially from in any manner discriminating against any person trading at said stock yards in such live stock, and from refusing by united or concerted action, or by word, persuasion, threat, or other means, to deal or trade with persons with respect to such live stock who are not members of said association because of such non-membership, or in any manner from interfering with the right and freedom of any and all persons trading and desiring to trade in such live stock at said stock yards, and the same as if such Kansas City Live Stock Exchange did not exist.

And it is further ordered and decreed that the defendants and each of them, their servants, agents, and employés, be, and they are hereby, enjoined and prohibited from entering into any contract, agreement, combination, or conspiracy fixing or tending to fix, directly or indirectly, the price to be charged as commission for buying or selling live stock shipped from one State or Territory for sale or disposition in another State or Territory or in foreign countries; also from entering into any contract, agreement, combination, or conspiracy limiting or attempting to limit the right of any person in business at said Kansas City stock yards to employ labor or assistance in soliciting shipments of live stock from other States or Territories, or the right of any such person to send telegrams, prepaid or not, from said stock yards to any other State or Territory."

6. And the said United States circuit court of appeals further certifies that, to the end that it may properly decide the questions arising in said cause and presented by the record and assignment of errors therein, said court desires the instruction and direction of the

Supreme Court upon the following questions and propositions of law, which, among others, arise upon said record, to wit:

First. Do the facts as above recited and admitted in the pleadings show that the appellants have violated any of the provisions of the act of Congress approved July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies"?

Second. Do the acts done by the appellants and above recited, or any of them, show that the appellants are amenable to the process of injunction issued at the instance of the United States under and by virtue of the provisions of section four of the said act of Congress?

Third. Are the aforesaid agreements mentioned in rule IX of said exchange, to wit, fixing a schedule of minimum commissions, limiting the number of solicitors to be employed, or prepaid telegrams to be sent, or any of them, under the facts disclosed by the record, a contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States within the meaning of said act of Congress?

Fourth. Do the agreement mentioned in rule XVI of said exchange and the acts of the defendants thereunder show a conspiracy in restraint of trade or commerce among the several States or a monopoly or attempt to monopolize any part of the trade or commerce among the several States within the meaning of said act of Congress?

In witness whereof the undersigned judges, holding said circuit court of appeals, have hereunto, this 8th day of December, A. D. 1897, at the city of St. Louis, Mo., set their hands and have ordered and directed that the foregoing certificate *to* be filed in said circuit court of appeals, and by the clerk of said court duly forwarded to the Supreme Court of the United States.

WALTER H. SANBORN,
Circuit Judge.
AMOS M. THAYER,
Circuit Judge.
JNO. F. PHILIPS,
District Judge.

United States Circuit Court of Appeals for the Eighth Circuit.

I, John D. Jordan, clerk of the United States circuit court of appeals for the eighth circuit, do hereby certify that the foregoing certificate in the case of Henry Hopkins *et al.*, appellants, *vs.* The United States of America, No. 1002, December term, 1897, was duly filed and entered of record in my office by order of said court, and, as directed by said court, the said certificate is by me forwarded to the Supreme Court of the United States for its action thereon.

In testimony whereof I hereunto subscribe my name and affix the

Seal United States Circuit Court of Appeals, Eighth Circuit.

seal of the said United States circuit court of appeals for the eighth circuit, at the city of St. Louis, Missouri, this eighth day of December, A. D. 1897.

JOHN D. JORDAN,
Clerk of the United States Circuit Court of Appeals for the Eighth Circuit.

[Endorsed:] U. S. circuit court of appeals, eighth circuit, December term, 1897. No. 1002. Henry Hopkins *et al.*, appellants, *vs.* The United States of America. Certificate of questions to Supreme Court of the United States. Filed Dec. 8, 1897. John D. Jordan, clerk.

Endorsed on cover: Case No. 16,746. U. S. C. C. of appeals, 8th circuit. Term No., 533. Henry Hopkins *et al.*, appellants, *vs.* The United States. Filed December 10, 1897.